The Forum

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THE REHABILITATION OF THE DEMOCRATIC PARTY.

EVER since the campaign of 1896, but more especially since Mr. Bryan's overwhelming defeat in November last, thoughtful men have been asking themselves what the future holds in store for the Democratic party in this country. A few inquirers had already asked this question in the course of larger speculations as to the future of party government or of representative Democracy as practised in America for over a century; but it is safe to assume that the concrete question with regard to the particular party just defeated is the only form of the problem that has received general consideration.

One needs but to examine the text-books and treatises on government published among us, or to question intelligent acquaintances, in order to discover that most Americans regard government by two large parties to be as lasting as our physical continent itself. Few of them understand the group system in vogue in France and Germany, and fewer still imagine that such a system, through the working of causes already operative, may, in time, be substituted for that two-party system which speedily established itself in our young Republic despite the efforts of Washington. Certain scattered individuals and uninfluential associations look forward to the supplanting of democracy by some sort of socialism; but the political and social millennium they anticipate is but a stumbling block, and seems but foolishness to a vast majority of their fellow-citizens. It is to practical and concrete questions which concern the present and imme-

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diate future that the public most willingly lends an ear; and of such questions there is none more interesting or more important than the one implied in our title.

The rehabilitation of the Democratic party concerns not only members of that organization, but also all Republicans, Prohibitionists, supporters of minor parties in general, and independent voters. It concerns Republicans, because an effective opposition is almost the only safeguard against reckless extravagance, corruption, and partisan measures of the sort that sooner or later wreck a party in power, which is made up, as all such parties are, of professional politicians rather than of patriots. Doubtless, President McKinley and his Republican associates wish they had not won quite such a sweeping victory, just as our triumphant Admirals in the Spanish War would have preferred closer contests, and the consequently better chance of remembrance based on interest. It is always comfortable to have an opposition party that will share responsibility when the public becomes excited, as in the Spanish imbroglio, and something rash like a war must be undertaken; it is comfortable to make supporters believe that the party has carried through its measures because it has overcome by the weight of its arguments and the strenuosity of its patriotism all the counter tactics of wily and stubborn foes; it is comfortable, as has been intimated, to get at a very cheap rate the benefit of the criticism directed by the opposition against proposed legislation; finally, it is comfortable to feel that party discipline is kept intact by the frequent necessity of crushing or outmanœuvring the minority — operations which are in themselves not devoid of enjoyable features.

That Prohibitionists and the members of the minor parties are vitally concerned in the question we are discussing goes without saying. If the Democratic party is not rehabilitated, they will gain votes from those portions of the party that cannot be kept in line by the machine leaders; *i. e.*, as we shall soon see, from the thoughtful Democrats of the North, the West, and, to a less extent, the South. Many of these have for two campaigns voted with the Republicans; but the latter will probably be compelled sooner or later to give them up, as happened shortly after the so-called Era of Good Feeling in the case of the hybrid and overgrown Democratic-Republicans, a name amusingly prophetic of the present situation. It is also within the bounds of probability that an entirely new party may be formed, which will not only include a large number of disaffected

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Democrats, but will also supplant one or more of the minor parties, and attract permanently voters who now adhere to no political organization. On the other hand, precisely the same result might follow a successful rehabilitation of the Democratic party along lines appealing to some of the minor parties and the independents.

As for the last named class of voters, it is plain that their efficiency as friends of good government depends almost entirely upon an approximation of power between the two leading parties, that is, upon the speedy rehabilitation of the Democratic party. The only theory upon which the independent can rely in order to justify his political aloofness is the theory that by giving his support, now to the one party, now to the other, he can induce or force both to improve their methods and purposes, or can, at any rate, prevent or minimize specifically flagrant legislative abuses. But, in the nature of things, the independent vote cannot be very large; and if one party is in a hopeless minority while the other is in a plethoric majority, it is plain that he must either resign himself to casting his vote away or ally himself to the dominant party in the somewhat forlorn hope that he may act upon it as a brake. The former course either reduces him to a political cipher or stultifies him; the latter makes him forfeit his name and tends to make him forfeit his character. In 1892 and 1896 the independent saw his way clear to the accomplishment of political good; in 1900, the Democrats remaining spotted with Populism, and the Republicans having taken the benefit of the spoils of foreign conquests, he was much perplexed in the matter of casting his vote intelligently and beneficently; in 1904, unless the minority party has been rehabilitated, he will probably be an almost negligible factor in the political result.

But the most important parties to Democratic rehabilitation are the Democrats themselves. Do they perceive the necessity for it, and, if so, have they any clear ideas how to bring it about?

It may be questioned whether the rank and file of the party realize as yet anything more than the fact that they have been subjected to a crushing defeat, which, however, as they comfort themselves by recalling, was not so overwhelming as the one they inflicted on the Whigs in 1852. This is cold comfort, for many reasons, especially from the fact that in 1856 the Whigs were practically dead as a party. On the other hand, it must be remembered that the South has long been used to political isolation, and that, if it suits the purposes of the Democratic machine, it will be possible, for some

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time to come, to hold most of the Southern States in line for the party, whether it is reorganized or not. Much the same thing is true of those portions of the Democratic organization that are found congregated in the great cities of the North and West. They are used to an isolation that is both political and social, and they can be kept in line by their leaders, apparently, for an indefinite period. Such is the curious composition of the Democratic party — aristocratic and sectional at one end, proletarian and municipal at the other — that any vital and intelligent direction of the party's future by the rank and file seems out of the question.

There is, however, another element of the party in which both leaders and voters have to be reckoned with. This consists, primarily, of those intelligent men in the North and West who, after the slavery question was settled, abandoned the Republican party on account of the scandals connected with it during the Grant régime, and of its subsequent tariff, pension, and other legislation inimical, as they thought, to the cause of popular government. These men in the main abandoned their new party in 1896, and many of them failed to return in 1900; nor is it likely that they will ever count themselves Democrats again should the machine leaders decide against rehabilitation.

Neither they nor new voters of their type will submit to what would be practically the tyranny of a section and some scattered municipalities rather than the legitimate control of a political organization. As we have seen, they will either remain with the Republicans for a time or will join some minor party and help to raise it to importance. Or they will endeavor to form a new party, and will leave the machine managers and the South — for the municipalities, after all, are mainly intent upon their domestic affairs — watching what will be not so much the coffin of the old party founded by Jefferson as the cradle of a political infant practically unknown in American history, a sectional group such as Irish voters in their island home form to-day.

It follows from what has just been said that the question of rehabilitating the Democratic party rests with the politicians who have control of the machine and with the intelligent Northern and Western Democrats who broke away in 1896. The latter are still provided with unofficial leaders like ex-President Cleveland, Mr. Carlisle, Mr. Olney, and others whom they would doubtless be willing to follow. Therefore, it remains with these two comparatively small groups

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of influential men to endeavor to agree upon a programme of united future action or to part company forever.

There is, of course, another element of the Democratic party, as it stands, that has been purposely eliminated thus far from our discussion. This is the Populist party, which in some States maintains a nominally separate existence from the Democrats, but in others has been practically merged with them. In the South the Populists were mainly of Democratic origin; in the West, of Republican. As we shall see later, they are differentiated from the two main parties, because they are bound together by something that adumbrates, however vaguely, a principle or principles. They form in reality a group of voters approximating to the European groups; and the fact that for some years they have affiliated with the Democrats is due rather to circumstances that are now a matter of history than to their forming an integral portion of the party. The part that the Populists will play in the future will depend, therefore, upon their adherence to their own principles and on the particular line of policy adopted toward them by the Democratic leaders.

What now are these leaders saying and doing? What are the chances that they will agree upon a programme which will lead to a rehabilitation of their party?

As was to be expected, it is the disaffected Democrats who are most taking the public into their confidence, and it is naturally ex-President Cleveland who has attracted most attention by his utterances. Unfortunately, Mr. Cleveland's pronunciamento in "The Saturday Evening Post" for December 22 was not so couched as to conciliate Mr. Bryan and his dominant wing of the party, while in other particulars it but confirmed the belief of those who, although admiring Mr. Cleveland heartily, regard him as a practical statesman and an impractical politician rather than as a political thinker. The ex-President wrote very vaguely about Democratic principles, and made a pathetic appeal that the rank and file of the party should be given a chance by their leaders to do battle again for those principles.

But, as we have seen, it is very doubtful whether the masses of the party have much political initiative, save in the case of the exceptional Democrats of the North and West already mentioned, and of the still more exceptional and less numerous Democrats of the South. There may be not a little discontented discussion of present conditions going on among the voters; but both in the South and in the cities the machine is able to have its way when elections come around.

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White supremacy in the one case and patronage in the other are stinging lashes which the bosses know how to attach to their whips. And, after all, is it not a little late in the day for men like Mr. Cleveland to be repeating solemnly the good old legends about popular government in this country?

It is true enough that if the people become sufficiently aroused to the iniquities of a party, they will turn it out or keep it out of power—that is to say, they still exercise a check upon their government; but that they really control the positive administration of affairs, save in a very general way, can be believed only by a thoroughgoing optimist. Appeals to the rank and file, then, are rather pathetic, as those of the quondam leaders who urge that reforms must come from representative Democrats who have remained regular, that is, more or less in touch with the machine, have plainly perceived.

Mr. Cleveland's remarks about Democratic principles seem almost equally in the air, as Mr. Bryan, with his usual shrewdness, pointed out when he declared that when the ex-President laid down those principles it would be time to discuss them. As a matter of fact, principles in any true sense of the word have been for a long time more characteristic of the minor parties than of the greater ones. The Republican party was founded on principles, and for some time acted on them; but it has been for years trading on them, which is a very different thing. The Democratic party had principles when it opposed Republican policy toward the conquered South, but it more or less abandoned these. It may be said to have had principles when it opposed the tariff and pension legislation of the Republicans; but it speedily showed, when in power, how little these principles really counted, and how much mere questions of patronage and political expediency did count.

When, after abandoning Mr. Cleveland, the party was in search of a new lever with which to lift itself into power, it adopted ideas which, to the Populists, from whom they were borrowed, really seemed principles, and which Mr. Bryan probably sincerely regards in that light, but which, in their concrete embodiment in the demand for free silver, belonged rather to the domain of political expedients —or inexpedients —and were in general so loosely thought out as scarcely to be worthy of discussion.

Indeed, so far as principles are concerned, if we leave to one side the issues raised by the Spanish War and its consequences, few Americans outside the minor parties and the independents really differ from

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one another. A Republican is vaguely in favor of an active central government, but he at once disowns any desire for excessive centralization. A Democrat is vaguely in favor of a simple and economic general government; but when he gets into power he is afraid to radically reform pension abuses, he bungles his reduction of the tariff, and he spends the public money quite as lavishly and foolishly as the Republican does. This merely means that both parties are in politics for the spoils, and not in order to give concrete expression to the "glittering generalities" with which they adorn their platforms. To patriots like Mr. Cleveland the old phrases mean something; but they mean little to the professional politicians, or to the multitudes who give a small fraction of their time to God and to the State and the great bulk of it to their private affairs.

Turning now to the actual leaders of the Democratic-Populistic party, we are not surprised to find Mr. Bryan stunned and silent immediately after his second defeat. On December 26, however, he made a short speech at Lincoln, Neb., which was distinctly interesting and important. He indicated his willingness to abandon his quest for office, and, perhaps, his acceptance of the idea that his two defeats have disqualified him for successful leadership — an idea which seems to be gaining ground and should surely do so. Still more important, however, was the following statement:

> "The principles for which we contended in the last campaign still live, and we who believe in them must continue to fight them. An election does not change principles; it only determines what principles shall be, for the time being, applied."

This utterance was doubtless sincere; indeed, it is hard to see how Mr. Bryan could have said anything else without stultifying himself. But a new leader, even if he has not infrequently to contradict former statements of his own, will be in no such embarrassing position as Mr. Bryan would be. And, as for the party at large, abandonment of principles twice solemnly rejected by the nation as a whole would, as the New York "Evening Post" acutely remarked, furnish nothing startling in the way of a political precedent. The Democrats under Tilden's guidance accepted as final in 1876 the reconstruction legislation against which they had so vigorously protested eight years before, and with this change of front they really elected Mr. Tilden, even though they could not seat him. We are at liberty, therefore, to believe that while it is likely that Mr. Bryan and his colleagues in control of the Democratic machine will continue for some time to

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fold themselves in Catonian robes and to profess their undying devotion to principles which, "crushed to earth, shall rise again," it is also within the bounds of expectation that they will change their principles should it seem plainly expedient to do so. But what, according to Mr. Bryan's latest speech, are those "principles"?

First in order — we can scarcely believe with any design — the Democratic leader placed the cause of tariff reform. Next came bimetallism; next the anti-trust agitation; lastly, and with a little more emphasis, anti-imperialism. He concluded with general remarks about the necessity of striving to carry "the Government back to its old foundations," and to check "the trend toward plutocracy." The last reported words of the speech were "the inalienable rights of man."

It is to be observed that Mr. Bryan was addressing a Democratic club, and that there was nothing specifically Populistic in his speech except what can be read into the term "bimetallism" and into one or two phrases. Apart from the reference to his stand for free silver, not a "principle" was enunciated for which nine out of ten independents and disaffected Democrats might not heartily contend. There was no attack upon the Supreme Court, no loosely-worded, and therefore ineffective, diatribe against the real dangers of government by injunction, no illegitimate arraying of the masses against the classes, no hint of the need of a revolution, but rather an earnest appeal against departure from American traditions. It may, then, be perhaps permissible to conclude that Mr. Bryan arose on the morning of November 7 "a sadder but a wiser man"; and it is at least plain that his pronunciamento is less vague than that of ex-President Cleveland, and thus a better starting point for our discussion, in brief compass, of the lines on which the Democratic party can be best rehabilitated and of the chances of such rehabilitation.

As we have seen, and as some once prominent Democrats have publicly maintained, reform must come from the machine leaders. If they do not wish to change the party's front, they can, in all probability, secure sufficiently docile delegates from the South and the great cities, not perhaps to promulgate platforms identical with those which brought upon the party its recent defeats, but at least to neutralize the efforts of the better elements of the Democracy to break away into new lines of policy. The city boss and the more honest, but less intelligent, Southern demagogue are to the devoted party veritable Old Men of the Sea.

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But why should the machine managers throw away the chances of national victory by refusing to learn the lessons taught them at the polls? We may put aside, save in the cases of Mr. Bryan and a few others, the natural desire to be consistent, for the average politician thinks rather of profit. Profit would certainly accrue from the spoils and prestige afforded by a national victory; but, on the other hand, such a victory and its subsequent utilization might bring new leaders to the front who would supplant the old. Still, with political gamesters it would seem that hope of gain would be more potent than fear of loss, and the efforts of hitherto unrewarded political aspirants to force new issues must not be overlooked. We may conclude that although it is possible for the Democratic machine to keep the party what it is at present — a sectional group plus an agglomeration of municipal groups, Populists, and inert hangers-on — it is not likely that it will find it to its interest to do so. At least it is clear that one of the most potent arguments that kept the Kansas City platform partly in line with the Chicago platform — fear of the loss of the Populist vote — can mean little in the light of the returns of the last election. But granting that the machine will be ready to change the party's front at the next convention, the question arises, What changes are necessary? To this there can be but one answer — which is afforded by a comparison of Mr. Bryan's latest speech with the utterances of the leading disaffected Democrats and of prominent independents, both before and after the late election. The tone of Mr. Bryan's speech may be imitated, and all of its points followed, save its stress upon consistency and its mention of bimetallism.

The latter point is all that need be positively given up; but any haggling here will seriously retard, if not forever prevent, the rehabilitation of the party. The reason ought not to be obscure. The American people, owing partly to the predominance of the Anglo-Saxon strain, with its reverence for law and property, and partly to the ease with which property can be acquired in this country, and to the consequent numbers of those who either hold it or hope to hold it, will support no party that advocates anything like sweeping appropriation or spoliation. Free coinage of silver, although honestly advocated by many men, seemed to a majority of the citizens of this country a species of spoliation; and they rejected it in 1896 and, by an increased majority, in 1900. They will have none of it, and only purblind folly can fail to recognize the fact.

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This does not, however, mean that the American people are unalterably opposed to movements looking to the abrogation of laws designed to concentrate wealth in the hands of a few; hence, the Democratic party is not bound to renounce all hope of drawing votes from Populist, Labor, and Socialist sources. It will be only consistent with itself if, unmindful of its former escapades, it again vigorously attacks the tariff as unnecessary and prolific of corruption. It will not lose votes if it wages war upon trusts and combinations; and, if it will only condescend to discriminate among them, by the aid of expert advice, it will actually gain votes.

Tariff and trust reform, then, may be safely chosen as planks in the next platform; and, if it seems necessary to emphasize the party's sympathy with the masses, a progressive income tax, beginning far below the $4,000 level, and thus escaping the odium of being an unjust class measure, may be advocated. For it is well to insist that the alliance between Populism and the Democracy, however disastrous it may have been thus far, was not altogether the fortuitous and fatuous thing it has been supposed to be in many quarters. Over and above the local causes that produced Populism, there was a general necessity that the "unprotected" masses in this country of concentrating wealth should draw together in political organizations; and there were many reasons why the less wealthy and powerful of the two great parties should espouse their cause. That cause need not be given up, if only it be advocated with discretion and with due regard to the teachings of history.

But there is another cause that offers more hope as a basis for the rehabilitation of the Democratic party. This is the cause of the inhabitants of our new dependencies. Exactly how this cause should be fought out at the polls will depend greatly upon the decisions of the Supreme Court in the important cases now being heard before it. If it be decided that Congress has control over the destinies of the people of Porto Rico and the Philippines, it will be both right and expedient for the Democratic party to agitate upon moral grounds for the immediate and unconditional granting to the Filipinos of terms similar to those granted the Cubans, and for the extension of the Constitution, by amendment or otherwise, to the Porto Ricans. Should the court decide that the Constitution reaches the Philippines, the best intelligence of the party should be directed toward determining the most effective way of agitating for an amendment or for some other legal means, should such exist, by which the territory

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could be alienated to its rightful owners and the sublime ideal of human liberty in its fullest sense be preserved among us. The admittedly embarrassing question what should be done with the Philippines, should we let them go, is, as one of expediency, secondary to the moral question, "Will we do by the Filipinos in arms against us what we would have them do by us?"

The question of imperialism was not settled at the polls in November, 1900, both because it was not presented separately to the American people, and because its moral aspects were not, for many reasons, brought fully home to them. The important speech of ex-President Harrison and the favorable comments upon it in Republican circles sufficiently prove the truth of this statement. It would, of course, be far better for humanity and the nation were some honorable escape from our present predicament discovered and acted upon by President McKinley and his advisers; for the whole situation is fraught with danger, and is one which no honest patriot could wish to see used as a basis of partisan agitation, save in case of the direst necessity. But it is not often that a party that creates a situation can extricate the nation from it; and it would at least furnish the ironically inclined historian with a pungent parable should the party of Franklin Pierce and James Buchanan free the Filipino from the party of Abraham Lincoln and Ulysses S. Grant. *Absit omen.*

It must be admitted, however, that there are serious obstacles to an effective campaign upon the issue of imperialism. There are many avowed imperialists in the Democratic party — especially in the South. Still, as we have seen, the South can be held in line on any platform, even on one that is partly antagonistic to Southern notions with regard to Anglo-Saxon supremacy over inferior races. And, after all, the Filipino is not the negro, and there is a marked difference between denying full rights to the principal inhabitants of a country and denying such rights to a subordinate caste. The Democrats need not, then, abandon the Philippine plank because of their past and present record in the South.

A more serious obstacle is to be found in the fact that a zealous missionary spirit, which has marked out the Filipino for its prey, is abroad in the land. But this is not the first time that the spirits of justice and liberty have clashed with the missionary spirit in its mad proselyting mood — the inquisitors were very fervid missionaries of a kind — and it will not be the last time. Other obstacles are found in greed of commercial gain, in popular, and especially Anglo-Saxon,

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unwillingness to part with territory once acquired, and in overweening patriotism. But these obstacles, while serious, are not invincible; and there is no better way to build up a party than to set it a moral task of stupendous proportions. The Republicans of 1856 confronted such a task, and all the world knows the result. Perhaps, like the Republicans, the Democrats of 1904 will have to take up the rallying cry of "A Higher Law"; but even from this there should be no shrinking, for an appeal to the conscience of the nation may be the only way of arousing the people from the lethargy that tolerates political corruption and fatuity.

We may conclude, finally, that a rehabilitation of the Democratic party may be, and probably will be, undertaken by its accredited leaders along lines that ought to satisfy the disaffected elements, and which, with one exception, need not differ materially from those voluntarily laid down already by Mr. Bryan. All discussion of the currency basis — which is, after all, a matter of expediency, not of principle — must be abandoned, and can easily be, if Mr. Bryan will only convince himself that he saw, in all sincerity be it granted, a principle where none existed, and advocated an expedient which the country rejected. A conservative, but not necessarily hostile, attitude must be taken toward the Populists. Lastly, a moral stand of the most radical character should be assumed with regard to the treatment of the Philippine Islands by the United States. Upon the Philippine question should rest the burden of every Democratic utterance and action until victory is won. With silver out of the way, and with tariff and trust agitation used in a purely ancillary manner, it will be impossible to obscure the issue of imperialism as was done in 1900. Like every other moral question, it will not down. It is for the Democrats to make certain that they rise with it.[1]

AN EX-DEMOCRAT.

[1] Mr. Bryan's Chicago speech of January 8 was not, so far as reported, so instructive as that at Lincoln. He claimed, as the present writer does, that reorganization must come from within the party, but he based his contention on illiberal and inconclusive reasoning, and showed a lack of magnanimity toward the disaffected Democrats that augurs ill for the future of the party should he be retained as leader. His remarks about plutocracy and Democratic principles were vague, and his assertions as to the fighting trim of the party were little short of amusing. The Democrats seem to need leaders more than they do issues.

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NATIONALIZATION OF THE STATE GUARDS.

NAPIER said of the English that they were warlike but not military. Are we, as a nation, either military or warlike? We have shown ourselves at times belligerent and capable of heroic endeavor. Nevertheless, we are a peaceably disposed people, and only take up the sword when no other alternative is left us.

The reason we find it so hard to decide how large an army we require comes from the fact that a large proportion of our people do not recognize the need of any army at all. They try to persuade themselves that they shall never have another war or another rebellion. They are too patriotic to wish the country to be without any resource in such a contingency; yet, knowing little or nothing of modern military methods, they cling to the belief that a volunteer force, called out when required, is all that is needed to meet any emergency. If this is not a correct diagnosis, then the only other alternative supposition is that they are willing to trust to luck for all time to come.

We hear on all sides that we do not need a large standing army. The question naturally occurs: What is a sufficient force under present conditions? Yet, it seems almost hopeless to discuss the subject in the face of popular indifference. Anyone who has ever tried to get any measure through Congress must have noted the apathy of our representatives to any project which has not a public sentiment back of it. An army reorganization bill will probably pass the present Congress; but if a public sentiment is not crystallized in its favor, the chances are that the measure will be repealed at some future time.

It would, therefore, seem expedient to ascertain what kind of a military system our people want. Popular opinion seems to be so strongly against an army of the strength and organization favored by most military men that I have thought it judicious to suggest a system similar to that adopted by the Swiss, Swedes, and Canadians; that is, a permanent staff, controlling a well organized, instructed, and equipped militia. This is very far from being an ideal method;

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yet an unscientific system carried out heartily and in good faith would be better for us than a system better in the abstract, but unpopular, and not in accord with what is figuratively called the genius of our institutions.

The indifference of our people to military literature is surprising. European periodicals publish many articles on military subjects. In our magazines they are conspicuous by their absence. There is no doubt that ours would be filled with military articles if the readers demanded military information. This apathy can only be accounted for by the fact that Mars has acted but a subordinate part in our national drama. Comparatively few read much more of history than is contained in school compendiums. As ours are written from a pietistic, patriotic standpoint, the impression is left that all our wars have been triumphantly successful. Yet even in our Indian wars we have had a number of positive defeats. Our Revolutionary War gave ample proof that an untrained militia was no match for a disciplined army. We remember our successful battles, but are apt to forget the speedy flight of our militia at Long Island and at Camden.

In the War of 1812 we had on land a succession of humiliations. Our untrained and ill-disciplined levies proved utterly unreliable. In the Mexican War we had only a small proportion of volunteers actively engaged. Scott's campaign was made with the old regular army, with ten provisional regiments commanded by regular officers. Patterson's division of volunteers did not reach Mexico until the fighting was over. The War of the Rebellion is instanced as a conclusive proof of the efficiency of volunteer organizations. It is only a proof of their efficiency when pitted against similar organizations; and it should not be forgotten that nearly all our successful generals in that war were regular officers, and that all the supply departments were under the direction of the regular staff of the army.

But our late war with Spain and its continuing supplement in the Philippines afford the best test of the strength and weakness of the volunteer system. Nearly all of the volunteer organizations mustered into the national service were State Guard regiments or batteries. While something less than half of their full complement of men volunteered, these organizations started in with a marked advantage over the volunteers of previous wars. Most of them went into service with a fair proficiency in drill and some training in target practice. Some of them had also learned something of guard and outpost duty in State camps of instruction. Another advantage was

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that the men remained under their original officers. From these fortunate conditions it happened that in our late war we had no Bladensburg panics, no Bull Run stampedes, no Hull surrenders, no firing into friends in night attacks, no mutinies or demoralization of any kind.

These were not the only advantages. All of our generals were officers of war experience. I can speak by the card in saying that in our land and naval forces which took Manila there were at least eighty officers who had seen service in the War of the Rebellion. The total number of officers in the regular army who had seen service in that war was 329. At least 280 of them were actually at the front in the Spanish War, many of them with volunteer commissions. It need not be said that the knowledge that they will be led by experienced officers gives confidence and courage to new troops.

So much for the efficiency of our volunteers. Now, let us consider some of the weak points in the system as developed in our late experience.

Its first drawback is tardiness in mobilization. The war against Spain was declared on April 21, 1898. The writer commanded the first expedition which left San Francisco for the Philippines, on May 25. This expedition consisted of five companies of regulars and two full regiments of volunteers. But it did not take a single field gun, horse, mule, wagon, or cart. It was followed within a month by two other expeditions, which brought our effective force up to 11,000 men. Yet the whole force was without transportation, except such as we secured upon the islands. When we attacked Manila, on August 13, nearly four months after the declaration of war, our army consisted of two regular and two volunteer batteries of field artillery, parts of four regiments of regulars, and eight regiments of volunteers.

I am aware that Admiral Dewey reported that he could have taken Manila at any time after the destruction of the Spanish fleet. I yield to no one in the high estimate I place on Dewey's splendid victory; but in this contention for an efficient land force I am constrained to say that neither our fleet nor any other fleet could have taken Manila if it had been courageously defended. The walls of its defenses are of the heaviest masonry, and the waters of the bay are too shallow for heavy war vessels to go within breaching distance. The city could have been destroyed by shell fire, but that need not have compelled a capitulation of the military defenses. General Shafter's expedition landed near Santiago two months after war

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was declared. It should be noted that only three volunteer regiments formed part of that expedition. It must be apparent that this kind of mobilization would be too slow for either offensive or defensive war against a first-class power.

While acting as a division commander in Luzon thirteen volunteer organizations reported to me, and it fell to me to land their men and material and to direct their movements in the first campaign. I had, therefore, a good opportunity to form an estimate of their drill, discipline, equipment, and general efficiency. Their close order drill was good; their extended order drill slow and ragged. Their marksmanship at short range was good; at long range it was not. Their discipline was only fairly good, but their general conduct was commendable. The company officers were generally efficient; the field officers, with some notable exceptions, not so much so. This latter class came to a point where professional duties can no longer be learned as object lessons or performed by rule of thumb. For an intelligent performance of their tasks a military education is necessary. Nor is mere theory enough. Many volunteer officers who have studied strategy and grand tactics do not know their Army Regulations. They do not know what their men are entitled to, how to get it for them, or what to do with it when they have received it. Many never learn the paper work of the army or anything about sanitation or the preparation of food. All this can be readily learned, but it takes time to master the details.

It is the duty of the Inspector-General's Department to instruct the inexperienced, to correct mistakes, and to report abuses. Unfortunately, the Secretary of War wrecked that department at the beginning of the war by making a number of its officers Brigadier-Generals, apparently overlooking the fact that individual efficiency is an inadequate substitute for a correct system. This apparent digression has an important bearing on the question of a proposed combination of a permanent staff and a volunteer citizen soldiery.

If the staff is to be weakened in war, by drawing general officers from its bureaus, the administrative departments will be weakened, if not demoralized. Moreover, generals drawn from this service are more theatrical than practical. This assumption is confirmed by the fact that in the War of the Rebellion our staff departments gave us but two successful generals. Yet, without a standing army it is not apparent from what source we could draw our generals, except from the staff.

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An ideal system under a Republican form of government would seem to be a standing army large enough for immediate need, linked with a reserve force of citizen soldiery. The artillery and cavalry should be permanent. They cannot be improvised, and no intermittent system of training can make or keep them efficient. The infantry should be localized, and their depot battalion linked, for purposes of drill and instruction, with local organizations.

It is not the purpose of this monograph to formulate a plan of army organization, but to suggest a method more likely to be pleasing to the American people than the establishment of a large standing army. Our people may be unwilling to maintain an army of 100,000 men after peace is restored; but such a force would be insufficient in a contest with even a second-class power. We must in some way keep ourselves prepared for such an event. Undue importance is being given to projects of army reorganization based on European precedents. Systems based on conscription and monarchical necessities may prove ill-suited to a republic. A military system should be an evolution of the war spirit of the people. The American people in the rare periods in which their war spirit has been aroused have shown clearly that they prefer a volunteer soldiery.

Germany has a permanent army, but no regular soldiers — that is, men who enlist intending to make soldiering their life business. The German system does not permit this. All enlisted or conscripted men must make way for others in the first line and go back to the avocations of civil life subject to service in the Landwehr. It is this Landwehr periodical training which we might adopt, substituting voluntary for conscriptive service.

The objections to our militia and volunteer systems as they stand are: State control, inadequate appropriations, the election of officers, insufficient theoretical and practical training, and the lack of a coördinating control by the general government. If these objections could be eliminated, it would seem possible, by a judicious combination of our regular and volunteer establishments, to create a military system which would be both popular and effective.

THOMAS M. ANDERSON.

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THE SPELLBINDERS.

A LOCAL authority on spellbinding once gave me the following prescription for the art: "Fill yourself with your subject, knock out the bung, and let nature caper." Even according to this recipe it is necessary to fill yourself with your subject, and no man is of much use in a political campaign who has not made a careful study of the issues. But men do this in different ways. One will prepare a speech and commit it verbatim. Another will read all he can lay his hands on, classify and arrange his thoughts, and trust to the inspiration of the occasion. Still another will prepare two or three speeches, or at least the materials for them, and then select the one which he thinks best adapted to the audience and the circumstances.

The spellbinder, talking as he does day after day, is sure to find out by experience the things that are most effective in his speeches, until he leaves out the poorer parts of them, and adds something to what is most attractive. Thus, before the end of the campaign there is developed, by a natural and experimental evolution, a far better speech than the one with which he began it.

The man who goes out with a single speech is sometimes caught in an awkward predicament. It is depressing to find among your auditors a large delegation from Smithville, where you have delivered that magnificent peroration just two nights before. Even the same line of argument is apt to weary those who have once heard it. The "Compleat Angler" who expects to catch many kinds of fish will not go out with a single kind of bait, and the "Compleat Spellbinder" ought to have an assortment of two or three speeches at the least. Sometimes the daily press will report what you say in full, and it is embarrassing to come before your auditors prepared only to repeat what they have just read in the newspapers. I remember once being nearly caught in that predicament in Chicago, through the error of a reporter to whom an advance copy had been given; for, as I came upon the stage of the Central Music Hall, one evening, I found myself congratulated upon an address which I was supposed

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to have delivered that afternoon, and which filled some two or three columns of the evening paper. Luckily, I had other material on hand. The only safe plan for the spellbinder is to have speeches enough to "go round." But if the newspapers print all you say, you are sometimes hard put to it to furnish new matter.

Once, when campaigning in Massachusetts, one of the Boston papers asked me each day to dictate "copy" to a reporter, which the editor afterwards interspersed with presumptive "applause," "laughter," "great enthusiasm," etc., in advance of delivery. This went on very well until Friday, when I found myself pumped dry, and on Saturday I was compelled, for lack of new matter, to condense the previous speeches of the week into one. It seems to me marvellous how men like Mr. Bryan and Mr. Roosevelt, whose speeches are reported by the score and the hundred, can hold out as long as they do. But in fact there is little change in what they say. They avail themselves of new occurrences, local allusions, etc.; but the substance of their addresses is much the same after they have talked for a week or two.

For the purpose of furnishing material for spellbinders each of the parties prepares a "Campaign Text Book." This work is generally done by specialists, a particular subject being given to the man who is supposed to know the most about it. These books are hastily compiled, however, and are not by any means the best sources from which the spellbinder may collect his material. They are often inaccurate and always violently partisan, generally concealing the opposing facts and arguments; so that the man who relies upon them may be easily caught napping by an antagonist who understands the other side of the question which they fail to disclose.

The joint debate is perhaps the best method of political discussion. In this "the campaign lie" has to be eliminated. Such a debate requires more careful preparation than a regular speech; yet even here there is a great deal that depends upon accident and the humor of the audience. I remember once debating with a Greenbacker in a little country town. He had sent me a challenge; and when it came to dividing the time I told him I would make the division and that he might say which of the two sections he would prefer. I proposed that one of us speak half an hour, that the other was then to have an hour to reply; and that finally the man who spoke first was to close the discussion in a speech of fifteen minutes. My opponent preferred to take the hour.

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The speeches were made from the porch of a country store. There was a large number of improvised benches where the people sat, and behind these was a circle of carriages. It was quite dark, there being no light except immediately around the speakers; so that the carriages in the rear were scarcely visible. I spoke for my half hour, and then my adversary, an intelligent farmer, made a very good speech, carefully prepared, which needed an answer. I had fifteen minutes only in which to reply. I talked as rapidly as possible, answering his arguments one after another in quick succession. Suddenly, a voice came from one of the carriages, in the rear of the crowd, asking a question. I replied quickly, and went on. Then followed another question, and another, until the object seemed to be to cut short my time. Fortunately, there came to my rescue a farmer boy, who rose in the midst of the audience. He was a freckled, red-headed lad, in shirt sleeves, with one suspender holding up his trousers. He pointed back into the darkness whence the voice proceeded, and solemnly asked: "Who the deuce are you, anyway?" and a voice replied: "I am the Hon. Charles Jenkins, of Ohio." "Well, why in thunder don't you *go back* to Ohio?" A shout went up from the throng, and the interruptions ceased.

Men who interrupt the speaker are not often wise. The man on the platform has a great advantage, for he has the last word and a sympathetic audience; so that even a poor retort uttered with a triumphant air is sure to carry the day. Not long ago, when I happened to mention the name of Mr. Bryan, a big fellow rose in the midst of the audience, flung his arms aloft, and shouted: "He's a good man," and there was applause from some Democratic benches. I said to him, "Suppose you tell me, my friend, one good thing he ever did in public life," and I paused for a reply. Now, I was taking some chances in this challenge. Perhaps the man really knew of something valuable in Mr. Bryan's career, something I had not heard of. In that case he could have turned the tables on me. But he could not think of anything; so after a dead silence there came another burst of applause, and this time it was for me, as my interlocutor slipped to the door amid the jeers of the bystanders.

Encouraged by this success, I asked at my next meeting the entire audience the same question, and the answer came, "He prophesied," which gave an opportunity for salutary elaboration. On another occasion the answer was, "He broke up the Democratic party," which gave room for a profitable distinction between voluntary and

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involuntary beneficence. Thus it is that the spellbinder can often score a point if he encourages interruptions, for a running debate is far more effective than a continuous speech.

Once while political feeling was very bitter, I was speaking in the opera house of one of the cities of the Northwest, when a man in one of the front seats arose and commenced asking questions. I answered them apparently to the satisfaction of the audience, who cheered lustily at every retort. But this only spurred him on to renewed efforts, until, finally, a cry, "Put him out!" arose from many parts of the house.

It seemed to me that the colloquy was profitable, and I asked the audience to let him alone. But the chairman of the meeting was seized with great indignation, and, rushing to the footlights, shook his fist at the interlocutor, swore at him, and ordered him to get out. The man at last said he was going, but asked to shake hands with the speaker first. I invited him to come forward and do so, not, however, without apprehension that he would "yank" me over the footlights, and the handshaking on my part was very brief. While it was going on, a policeman stole up behind him, and seized him by the collar, and his departure was more sudden than he had intended.

Campaign oratory, being largely extemporaneous, varies greatly in excellence according to the mood of the speaker and the temper of the audience. In one place there will be an enthusiastic multitude to greet every effective point with ringing salvos of applause; at the next place there will be silence; in a third there will be general inattention and disorder, and perhaps the spellbinder will find his audience beginning to disperse within a few minutes after he commences his speech. A political audience is not to be held together like the congregation of a church or an assemblage which has paid its money for a lecture. A man who attends a campaign meeting will not hesitate to leave when he has heard enough.

I think we campaigners generally attribute an exodus from the hall while we are talking either to the hot night, or to the trains which are just about to leave, or else to a conspiracy set on foot by the opposite party. But sometimes we cannot flatter ourselves with these illusions. I remember making an address in my own State, illustrated — as I thought — by a few apposite quotations. The audience listened attentively for more than two hours. I made substantially the same speech a few days later in a little country town in Maine, but I noticed that my hearers were restless and that a

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number of them left the hall. Next morning, while sitting on the porch of the village inn, I overheard two countrymen who met in the dusty square in front:

"Was you to the meetin' last night, neighbor Jenkins?" asked one of the other.
"Yaas," was the answer.
"Did ye hear the speakin'?"
"Yaas."
"How was it?"
"Oh, 'twa'n't no account. 'Twas mostly quotashuns."
"Do tell!"

Evidently the demand in that place was for original thought.

Opinions of a speech will differ widely among those who hear it. After a rather earnest argument at a country town, one of my auditors came up and clasped me by both my hands, crying enthusiastically, "That was a slick one." Just outside the door two others were talking together as I passed. "What did you think of it?" asked one. "I call it a bum speech," said the other. Now, whatever be the precise meaning of "slick" and "bum," no latitude of definition will ever make them synonymous. So I passed on, consoling myself that the last man must have been a wicked Democrat.

There is a great difference in audiences as to applause. Generally they are more demonstrative in the cities than in the country districts, and I think a Chicago audience is, perhaps, more responsive than that of any other city in the North. In some of the rural neighborhoods of New England they call a political speech a "lecture," and seem to think they ought to treat it with the same solemnity as a sermon. At a meeting in the pretty opera house of a quiet Maine town the hall was filled with a gathering of grave and substantial citizens. The committeemen and local party leaders arranged themselves in a semi-circle across the stage, much like the performers in a minstrel show. Every hit made by the speaker was greeted with a methodical clapping of hands from the "thin black line" behind him, but with absolute silence in front; yet the gravity of no one, either on the stage or on the floor, was disturbed in the least by the unilateral character of the applause thus solemnly administered.

Some audiences are much slower "in seeing the point" than others, and, again, there is a great difference between different groups even in the same audience. I have often seen a ripple of applause or laughter break out in one particular spot, whence it

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would seem to diffuse itself in circling waves, until it reached the extreme verge of the crowd.

There are two kinds of applause which appear to me very different in character. One is that which gives an appropriate greeting to some apt sentiment or to the conclusion of an argument; and the other is that which follows the mere utterance of a popular name, generally the name of some candidate. The latter kind is not specially complimentary to the speaker. Indeed, noisy demonstration is very rarely a proof of the excellence of the speech. I remember once hearing a fine argument by Senator Sherman, which was received in silence. It was followed by a speech by Jim Hughes, the "Irish orator," who rehearsed his story of the Republican pup that had its eyes open and the Democratic pup that had its eyes closed, with other narratives of like character, which were greeted with rapturous applause. I then and there resolved to eschew all efforts to awaken that sort of enthusiasm. The close attention of an audience ought to be as gratifying as the clapping of hands, the stamping of feet, and shouts from "the boys" interjected at inopportune places.

The point of a story is often the signal for an outburst, and no one can deny the power of apposite illustration. The parables of the Bible and the stories of Lincoln have in them a pith and a point which could not be as well made in any other way. Yet many speakers are tempted, not to make the story the illustration of the speech, but to make the speech a mere potpourri of stories. The man who does this may be amusing, but in the long run he will not be taken seriously; and if he be unfamiliar with his audience he is likely to tread on somebody's toes without intending it.

In the campaign when James D. Williams and Benjamin Harrison were opposing candidates for the governorship of Indiana, we Republicans used to make great fun of "Blue Jeans," as we called him, ridiculing his rustic manners and his homespun ways. We didn't make much by it, for the people of Indiana were mostly farmers; and after he had been elected and had made an honest, respectable, and sensible governor, our campaign jokes looked rather pitiful in retrospect. One night I spoke at a small neighborhood meeting, and repeated to my audience the following story which was going the rounds:

Mr. Williams, who was then a member of Congress, was one day washing his hands at one of the lavatories in the Capitol, when an attendant handed him three towels. He sighed at such wanton ex-

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travagance, and exclaimed: "Why, down at my farm I make a single towel last the whole family a week."

This was a pretty poor story, but for all that, I was astonished to see that there was not a smile upon any of the faces before me; indeed, the countenances took on even a deeper gloom. On my way home, as we drove through the woods, my companion said to me:

"You didn't make a great hit with your story about 'Blue Jean's' family towel."

"No, I didn't seem to."

"Do you know why?"

"No."

"Well, I'll tell you. There wasn't a farmer in that crowd that hadn't done the same thing himself!"

My eyes were opened. I was a wiser man.

Even the storyteller, however, is far more effective than the solemn and oracular wiseacre who, in slow and sepulchral tones, utters commonplaces as impressively as if they were the emanations of divine wisdom. This style of oratory is only endurable when it comes from a Senator or a member of the Cabinet. Then there is the man who begins with a long introduction and spends half his time before he reaches the first point, working very hard to little purpose, like a leaky bellows. Then there is the man who denounces everybody, and thus solidifies the ranks of the enemy until he is called off from his unprofitable tour by the managing committee.

I used to go stumping with the distinguished Colonel B., who would talk of "scoundrels and murderers," and connect them in some inscrutable way with "the rotten old Democratic party." When I would tell him that that was not the way to win Democratic votes, he would rejoin: "But it *is* the rotten old Democratic party." His maxim evidently was, "Let the truth be spoken though the heavens fall." Once a committee called upon me to protest against the Colonel's violent epithets. I told them they had better call on the Colonel; that I had already remonstrated; but that he had rejoined: "It rouses the people!" Denunciation is always dangerous, unless it be during the last days of a campaign when party lines are tightly drawn and the sole purpose of the managers is to keep their men within the ranks.

There is a great difference among spellbinders in dramatic power. Many years ago I had occasion to serve as chairman of a committee which investigated certain serious abuses in the benevolent institutions of my State, notably in the insane hospital. The condition of

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affairs was very grave. There was evidence of extensive corruption in the contracts for supplies. Unwholesome food had been furnished to the patients at extravagant prices, and they suffered greatly from the neglect and cruelty of their attendants, who were appointed for political services, under the spoils system then prevailing. We exposed these iniquities in considerable detail, and the issue became an important one in the next campaign. I was speaking in the court-house of one of our county towns with a young man who has since become a United States Senator. I spoke first and related the abuses we had discovered, making, as it seemed to me, a pretty strong case. I had, perhaps, a better personal knowledge of the facts than any one outside the institutions we investigated.

After I had closed my companion rose. He walked backward and forward along the small open space reserved for the members of the bar and drew a burning picture of the horrors inflicted upon the helpless victims of madness. You could smell the tainted meat and see the maggots reposing in the butter on the tables of the asylum; you could hear the blows of the brutal attendants ringing upon the backs of the patients; you could listen to their screams as the scalding water poured upon them in the bath-tubs, where they had been left by their drunken caretakers. So vivid was the scene that the audience in the court room became hysterical with sympathy and indignation. To tell the truth, I never myself had realized the enormity of the outrages which I had taken so considerable a part in revealing until I heard them described by the eloquent young orator who knew nothing at all about them.

The conduct of a speaker is often the subject of ingenious comment and conjecture. I once overheard two of my auditors discussing the question of my religious belief. "He's a Methodist," said one. "No, he's a Quaker," answered the other. "I tell you he's a Methodist," insisted the first. "Didn't you see the way he walked around?"

The similes and metaphors of the spellbinder who relies upon extemporaneous inspiration are often inappropriate and sometimes sadly mixed. A Hoosier orator in delineating the noble character of General Hancock announced that "his honor was as stainless as the sword that hung by his side at the battle of Gettysburg!" I was speaking once with a gentleman of broad culture and national reputation, who, in describing the energy put into a presidential campaign, said that it was "vast enough to stop and dam Niagara

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till that great cataract should become a windmill made of paper!" This declaration was made with such impressive solemnity that no one in the audience perceived any exaggeration or lack of propriety in it; and yet, upon reflection, the transmutation of forces involved in making a paper windmill out of Niagara by public speeches is something which transcends not merely a scientific but even a poetic imagination. My friend was talking from a platform raised sixteen or eighteen feet above the ground, which may account for the loftiness of the conception.

Many speakers talk over the heads of their auditors. Their long words and complex sentences fail to reach the men who hear them. Even physical altitude sometimes has a disastrous effect. I once went out with a companion to a country town. He spoke from the porch of a grocery store at some little elevation from the street. The audience was inattentive and restless. I determined to get nearer to them, so I got down into the street and harangued them with much better success. A few days later we had a meeting in a church. I spoke from the pulpit and found very poor listeners. My companion profited by the lesson of the preceding night and walked up and down the aisle. He made a great hit of it.

Much depends upon the acoustic properties of the hall. In some places, like the Chicago Auditorium, a speaker can be heard in every part of the building with scarcely any labor; in other places, sometimes even in small rooms, a great deal of unnecessary energy has to be wasted in the mere effort to be intelligible. Out-of-door meetings are usually the worst of all. As a rule, a speaker can do better work in a hall which will hold a thousand persons than he can in talking to five thousand in the open air. The confusion in out-of-door meetings is often insurmountable.

I was much surprised during the campaign of last autumn at the excellence of the music furnished at some of the meetings, particularly of the local bands. I think it would astonish our friends from the East, who are prone to believe that the Mississippi valley is quite devoid of all appreciation of true art, to hear the music of some of these country bands. The difficulty with them is that they seem to believe — judging from the length of their performances in the hall, as well as from the concerts they give just outside the door while the spellbinder is vainly endeavoring to make himself heard inside — that *they* are the principal attraction, a thing which may be true, but which we spellbinders resent, believing that we ought ourselves

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to be the main feature of a political meeting. But a band is only one of the distractions against which we have to contend. A drum corps is even a more formidable competitor; while railway whistles, toot horns, cannon, and indiscriminate yells for McKinley or Bryan form a still less agreeable diversion. To speak against such opposition requires nerve, composure, and lung power, if not ability.

It seems to be a well accepted fact that noise is the most important part of a campaign, not only more vital than argument, but more convincing even than uniforms, illumination, or fireworks. Witness the exhortation of a disgusted committeeman to a silent torch-bearer: "Yell! or drop yer torch!" Sometimes noise is really all that is expected even from a speaker. When I helped Governor H. open the campaign at Mt. Vernon, the chairman said to me: "Lord, they don't want no argyment! Just whoop her up!"

The campaign speaker never knows what is in store for him. He may arrive at the station and find a brass band, a procession, with a Goddess of Liberty on "a float," and a carriage draped with American flags and ornamented with pictures of the candidates, or he may have to walk through the streets alone and have some trouble in hunting up the committeeman. He may find that his fame has preceded him, or he may discover from the spelling on the posters that the local managers do not know his name.

Perhaps the worst example of indifference on record was that related by General "M.," a distinguished old campaigner of my own State. When he came to the station at the place where he was to speak, he said that at first he could not find even the town. It was growing dark, there was nothing in sight, and no lights were visible. At last he followed a fellow passenger along a footpath across a wide common, and finally he came upon some houses. It was just the hour of the meeting, so he had to go without his supper. He found the hall by following a few straggling villagers, who climbed an outside stairway to a room above the store. Nobody was in charge of the gathering; but, after inquiry, he learned that a person of his name was expected to address the meeting, so he introduced himself and made his speech. Then he trudged alone to the hotel.

The spellbinder must not be too particular about his accommodations. He must go to the hotel where the committee send him, for if a Republican speaker goes to the Democratic tavern, or a Democratic orator puts up at the Republican inn, the party may long be

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rent by grievous local dissensions. Oftentimes that spellbinder who can neither see things nor smell things is the happiest.

At many places the campaigner may get into trouble if he does not understand the local arrangements. Several years ago I was campaigning with Colonel X., in Orange county, Indiana, a rough, hilly neighborhood, in which there were then no railroads. We were to speak in the courthouse at Paoli, the county seat. There was a clean little country tavern in the town. You entered a wide hall, at the end of which was a small washroom, with a wooden sink and a tin basin, and just above these was a cask with a spigot, which presumably held the water for washing. The Colonel was always particular about his personal appearance. He had, in former years, held a position of some importance in the foreign service of Uncle Sam; and as he was the older man I always yielded him precedence, a courtesy which he seemed to appreciate. So his turn at that wash basin came first. He took off his coat with considerable deliberation, rolled up his shirt sleeves, turned on the spigot, and filled the basin; but no sooner did I hear the swish of the liquid on his face and hands than he leaped back, stamped furiously upon the floor, and swore as I never heard man swear before. "What is the matter?" I asked. "Darn it! it's coal oil!" was the answer. I maintained a respectful distance from the Colonel during the next few days.

The spellbinder sees more "local color" in his peregrinations than any other kind of a traveller. He must shake hands with everybody, and generally he is introduced to a crank or two — a greenbacker, or a "universal peace man" with belligerent tendencies, or more commonly an uncompromising prohibitionist, with whom he is expected to "square things" in behalf of the party; and the arguing that goes on in the midst of a knot of bystanders would furnish entertainment to Bedlam.

The spellbinder has to concede a great deal to local prejudices. I once drove to a village in the northern part of my own county, and just before I reached it I was met by the local manager. "Good God! you're not going to drive into Smalltown with your own carriage and coachman?" I had no denial to interpose, for the evidence against me was at hand. So I feebly asked, "Why not?" He answered, "Why, you couldn't undo the damage in ten speeches! Hitch the horses here in the woods, and if your driver wants to go to the meeting let him come in from the other side of the town!" All of this was done in concession to rural sensibilities.

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There is a great deal of wear and tear in a campaign. You are often up all night, you talk till your clothes are wringing wet, and then you drive a dozen miles across the country. You have to put up with all sorts of fare; you run the risk of malaria. There are some who break down under the strain and have to cancel their engagements. And yet, except for our throats, I believe the majority of us come out of a campaign in better condition than we enter it, especially if we have no personal care or anxiety concerning the canvass. Really, there are few better kinds of exercise than public speaking. It expands the lungs, develops the muscles of the arms and legs, and keeps the brain active at the same time! What other kind of athletics can furnish all these desiderata? If you can preserve your good nature, keep your appetite, and make up in the morning the sleep you lose at night, there is no reason why a campaign should not make you stronger and healthier than ever.

The spellbinder, especially if his services are gratuitous, will be received in the committee rooms of his party with exuberant hospitality, testified to by a slap on the back and an invitation to "make yourself perfectly at home," as much so as in his own house. There are perhaps a score of people in two or three small rooms, with half a dozen chairs; and, everybody being hard at work, the invitation, although cordial, does not always assure the spellbinder of comfortable accommodation. But the chairman of the speakers' bureau will tell him of the wonderful effect produced at the meeting at Jonesboro by his eloquent words. He will assure him that since he is one of the most distinguished orators in the nation the party must have his services for the entire campaign. When he has succumbed to these blandishments, and feels that, like Gil Blas, he is the eighth wonder of the world, he is sent to Pinhook, a place which he can find neither in the postal nor the railway guide, to talk to a few score farmers who had never heard of him until they were informed by the same party manager that he is one of the greatest statesmen and most magnificent orators in the country. Titles which he never possessed before are added to his name. I have been announced as Colonel, Judge, member of Congress, member of the Paris Peace Commission, of the Venezuela Commission, of the Civil Service Commission, etc., until these titles, by reason of long usage, now repose gracefully upon my brow.

Perhaps the most remarkable claim to public consideration was that which I found awaiting me when I arrived at an Illinois town

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and saw myself advertised in large posters as a statistician of national reputation; and the people were urged to "Turn out and hear the great statistician!" Statistics give me the nightmare; and I should have thought that this kind of advertisement would have been enough to keep everybody from going to the hall. But after supper a large band came up to the door of the hotel, and I was invited to follow it. There were perhaps forty persons in the band, and the procession behind it seemed rather small for such a cortege, since it consisted of three persons only, the eminent statistician in the middle, flanked by the county committeeman on one side and the district committeeman on the other. In solemn state we marched around the public square and entered the hall, which I was surprised to find comfortably filled. The people of that town evidently had no horror of statistics.

Still more surprising, however, was the attitude of the inhabitants of a prosperous manufacturing town in the State of Maine. At this place I spoke with a United States Senator, and I was astonished to notice the intense interest which the audience gave to the figures by means of which he deduced the national and local prosperity resulting from the tariff. There was a convincing power in his $567,698,473.69, particularly in the cents, which no other form of argument or rhetoric could have supplied. I followed the Senator with some remarks upon other subjects which I thought ought to be interesting, but I observed that my hearers became restless and that some of them left the hall. Seeing how well the Senator had done with his statistics, I tried a few figures myself, and was surprised to notice that so long as they held out the patience of my audience held out too, but that when my figures failed me the endurance of my audience gave way at the same time.

A new convert is very valuable as a campaign speaker, but the excellence of his argument is quite a secondary matter when compared with his value for exhibition purposes as a recruit. He is specially in demand if it can be said of him that his father, his brothers, or, better still, every member of his family belongs, and has for generations belonged, to the opposite party, as showing through what tremendous obstacles of blood and environment he has worked his way up from darkness into light. I have sometimes been surprised to find myself posted as one who had thus forsaken the pathway of error, the attraction on this account being perhaps even greater than the putative judgeship, senatorship, or colonelcy with which my name was also connected. In one district I visited, the

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managers had secured a gem of peculiar lustre, a young fellow whose father was then engaged in campaigning for the other side, and who was sent to follow his progenitor around the State and answer him at the same places a night or two afterward, telling to enthusiastic audiences how the old man had beguiled him four years before, but could never do it again.

The blandishments offered by the political manager to the spellbinder must not be too severely censured, for the poor committeeman is between the devil and the deep sea. On the one hand, there is the army of spellbinders each insisting upon the best appointments in the country — men to whom the Chicago Auditorium or the Metropolitan Opera House in New York seems the fittest place for the display of their abilities — and, on the other hand, there is an infinite number of local communities each demanding the best speaker that the country affords. Every village wants to hear Bryan, Roosevelt, Cockran, or Depew. What then is left for the poor manager to do except to exalt Smith and Jones to a national rank, to proclaim that he is something "equally as good" as Beveridge or Dolliver or Hill, and, on the other hand, to exalt each crossroads neighborhood to a place of vital importance in the campaign, almost as essential to party success as Chicago or New York, and to promise vast audiences from the surrounding country. Of course, there is disappointment on both sides. The spellbinder foams at the mouth when he realizes that the man who flattered him is a deceiver, while the people at the crossroads denounce the central committee for sending them a gasbag in place of an orator. But what else can they do? One of the most thankless places in a campaign is a place on the executive committee, especially at the head of the speakers' bureau.

We spellbinders are by nature a conceited tribe; and sometimes in our intercourse with each other many of us realize that celebrated definition of a bore, "A man who insists upon talking about himself when you want to talk about yourself." I have found many spellbinders of this kind. They relate their forensic triumphs in terms that defy all competition. Some of them are even mathematical in describing their powers of persuasion. Who, for instance, could hope to excel the magnetic power of the orator who exultantly announced in the rooms of the National Committee that at Brownstown he had had "eleven applauses and three 'go ons?'"

Conscious as he always is of his own excellence, the spellbinder is sure to meet many trials and disappointments. Perhaps his meet-

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ing has not been properly announced, and he finds only a few straggling guests to partake of his teeming banquet of eloquence. That is hard enough; but even worse is it when there is a large gathering and another man speaks first and talks at great length, leaving the other nothing but the remnants both of the time and the audience. How tedious and dull was the speech of that first fellow who thus deprives an unconscious multitude of something so much more valuable and attractive! Perhaps the hardest trial to the spellbinder is to find, after he has been sent to a large city in which he supposes he is to be the central and sole attraction, that he is only one of a cargo of eloquence shipped at the same time, to the same place, for the same purpose. But, in spite of these drawbacks, I think most of us still consider that campaigning is good fun; and however welcome the home circle and a little rest may be after a month or two spent upon a stumping tour, I am sure that nearly all of us will be ready to try it again after four years.

The concluding incident of the spellbinder's duty remains to be written. After the campaign is over and the votes are cast he still must "ratify." If he is at headquarters when the news of victory comes, this is a simple matter — one more speech with louder interruptions and greater enthusiasm than ever, and his work is over. If he belongs to the defeated party the thing is still simpler. He has only to crawl into his hole. But quite different is it with the spellbinder on the victorious side if his confidence has been so great as to stifle his curiosity and he has presumed to go to bed before ascertaining the result. A distant but constantly increasing noise of horns and drums and cheers breaks in upon his slumbers. Next, word is brought that a crowd is seen coming up the drive. With shrieks and yells under his window they demand a speech. Then he goes forth upon the balcony, clad perchance in a huge overcoat, which supplies the lack of more appropriate apparel, and there, still half asleep, he talks incoherently and waves his hands.

But, whatever he says, it is enough. The pounding on the tin pans, the hurrahs, and the waving of the dead rooster from the pole fill every hiatus, until the crowd departs, and he again tumbles into bed, where the fairies touch his silver tongue, and he dreams of postmasterships, collectorships, and other fair forms of increasing prosperity such as are wont to follow the footsteps of successful eloquence. And before any grim awakening shall mar his visions, here let us leave him.

William Dudley Foulke.

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FOUR LEGS AND TWO LEGS.

THE article by Mr. A. Maurice Low, entitled "Four Legs Instead of Two," which appeared in THE FORUM for November, 1900, while containing some matters of great interest to both lay and military readers, presents nothing new to the latter class. In fact, the sweeping generalization, based upon a consideration of special conditions, is to a certain extent amusing. The conditions cited were taken from the Boer war in South Africa, where most of the operations were conducted on treeless plains, a terrain which is ideal for the use of mounted troops.

The experience of centuries of warfare, with all the improvements which have been made in death-dealing weapons and in methods of transportation and supply, has clearly demonstrated that decisive results are in general best obtained by a proper proportion, coördination, and coöperation of the three arms, infantry, cavalry, and artillery, and that these proportions are never fixed and absolute, but must vary according to conditions. In the case cited, the terrain, the character of the foe, and other conditions pointed to the fact that the proportion of mounted troops should have been very much greater than the normal, but they did not indicate that foot soldiers should cease to exist. The object of all offensive military movements in the field is to force the enemy to stand and fight a decisive action, or so to out-manœuvre him as eventually to get him into a position where he will have to fight against odds, or, accepting the alternative, surrender. When he stands, the infantry, with its fire action, comes into play, not always arriving on the field out of breath and unnerved by fatigue, but deliberately taking its position for attack, not by any means always *frontal*.

The most successful wolf-killer the writer has ever known used two dogs, a greyhound and a bulldog. The greyhound possessed mobility, but could not kill a wolf alone. He could circle about the animal and hold him at bay until his slower ally, the bulldog, arrived upon the scene and promptly despatched the foe. The bull-

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dog was the infantry of that combination. It might be argued that one dog possessing the speed of the hound, and at the same time the killing power of the bulldog, might have been used to accomplish the result. True, but that kind of dog was not available; and in the matter of troops I am of the opinion that it is hardly possible to make a force of mounted infantry that can do the work as well, as economically, and as decisively as a combined force of foot and mounted troops. The great number of horses required, the vastly increased expense, counting first cost, subsequent remounts, forage, saddlery, shoeing, etc., the extra transportation for forage, field forges, etc. — these are all arguments against the excessive use of this force. The additional stomach incident to mounting the erstwhile foot soldier is a capacious one, requiring each day about eight times the weight and many times the bulk of food supplied his rider. This adds very materially to the amount to be transported in the trains. That an army travels on its stomach is equally true of horse and man, and the odds are in favor of the man for endurance under conditions of shortage for both, as has been demonstrated in some of the plains work of our own army.

It is not true that "works cannot be carried by storm as they used to be." The writer has helped to carry positions by assault within two years, and that, too, when such positions had not been previously shaken by artillery fire. It is liable to be costly in casualties; but, "one cannot have omelets without breaking eggs," and a frontal attack is sometimes necessary. No one would make it where flanking, or a combination of both, is feasible; but this is not always the case. The enemy's flanks are not always "in the air." The example of combined frontal and flank attack cited is just as feasible and more economical with infantry holding the position in front while the flanking is done by the more mobile troops.

Mr. Low apparently loses sight of the fact that there is other work to be done in the theatre of war besides that of flying columns. For instance, in Lord Roberts's advance from Bloemfontein to Pretoria 15,000 men were guarding and holding his line of communication back to the Orange River. This work can be best done by foot troops with only a very small proportion of mounted men and a still smaller proportion of artillery to assist in holding the most important points. The Boer was fighting a losing, defensive fight all along; harassing the advancing foe; delaying his advance, and putting off the inevitable as long as possible. In fact, it was hardly more

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than a succession of rear-guard affairs. The mobile troops, cavalry and mounted infantry, would come upon the Boer in position, and would be held in check by him until the infantry and artillery came up. Then the Boer would withdraw and hasten to a new position. The few offensive movements on the part of the Boers were only incidental exceptions to the general defensive plan of action.

That the great range and flat trajectory of modern arms have had a great effect upon the safety of supports and reserves in action is undoubtedly true. But this effect is not to render such formations impossible; it has been rather to increase the distances between them, to the end that too many lines shall not occupy the "beaten zone" simultaneously, and to force the extended formation at a greater distance from the objective than formerly, where the ground is open. The same improved arm is in the hand of the assailant; and by the use of long range "position fire," aided by accurate and rapid artillery fire, the odds are not so greatly in favor of the defense as the advocate of "Four Legs Instead of Two" maintains. Moreover, he does not seem to have taken into account accidents of terrain which afford more or less cover to the assailant.

Military men have not been surprised by the fact that recent wars have demonstrated that "the rifle kills at the distance of a mile," and that "artillery is effective at four miles." Reference to military works treating of the "fire action" of the different arms of the service will show that all conclusions as to tactical formations and rules of action for some years have been predicated upon the long range of modern weapons. In this connection, it is not understood by the writer what direct influence the long range of modern weapons had upon the *extension* of "front" cited by Mr. Low in the case of General Buller, along the Tugela. This was not an absolutely continuous line; it was not even held by detached forces within the supporting distance of modern arms; and, therefore, must have existed for some other reason, tactical or strategical.

The cavalry of the United States Army is an example of mobile troops superior to any other force in the world and far ahead of the proposed mounted infantry. The only claim made for the latter is that it possesses mobility and dismounted fire action. In addition to these, our cavalry possesses "mounted fire action" and "shock action." For a generation this cavalry — properly so called — has done all the work expected of mounted infantry with a weapon scarcely inferior to the infantry rifle; while, in addition, in excep-

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tional cases, it has done with sabre and revolver true cavalry service in a very workmanlike manner.

Efforts have been made for years to reduce the load of the infantry soldier to a minimum. In the field he practically solves the problem for himself, and soon strips down to a beautiful fighting machine, with marching and fighting powers far in excess of the pitiful estimate placed upon him by the author of "Four Legs Instead of Two." As to increasing his mobility, this, too, has received grave and careful consideration. Every means is taken to conserve his energy by moving him by train, boat, bicycle, wagon, automobile, locomobile, traction engine, etc. By all these methods to have a horse for each man would be an embarrassment, as in all cases his feed would require transportation, and in some cases he himself would have to be transported or he would be unable "to keep up with the procession." Mounted troops will always have their use, and a careful reading of the best military authorities will convince Mr. Low that the uses he claims should be made of them have already been more than anticipated. While the writer agrees within limits with Mr. Low, he cannot go to the extent of doing away with the foot soldier. He will remain, as he ever has been, the body, of which the mounted troops are the ears and eyes, one of the arms, but not entirely the legs.

In reaching out for *mobility* we must not lose sight of the fact that *stability* is also a very necessary qualification of an army on the offensive as well as on the defensive. To hold fast is as necessary as to grab and to pursue. Each arm has its own work to do, and all work together for a common end; and, as has been before remarked, the particular conditions in each case will determine the proportions of the different kinds of troops and the manner of using them to accomplish the desired results.

It is not the writer's purpose to take up in detail and discuss each point advanced by Mr. Low. All have been exhaustively treated in the past; none is a heresy except the advocacy of the total abolition of the foot soldier. If Mr. Low will rid himself of this idea and devote his energies to the development of lighter transportation for the necessary impedimenta he will be doing good work.

HENRY A. GREENE.

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THE LESSONS OF THE ELECTION—A REJOINDER.

In reading Mr. Perry S. Heath's article, "Lessons of the Campaign," in The Forum for December, 1900, I was impressed anew by the reflection that comprehension and appreciation of the nature of a lesson depend much on whether one wields or feels the rod.

Political acerbities and partisan misrepresentations have no place in a discussion of this nature. Mr. Heath's explicit, but unfounded, charge that the Democratic organization endeavored to use both the Roman Catholic Church and the American Protective Association for political ends is only an unwise invitation to carry on, into the coming four years of comparative political peace, the least creditable phase of political manœuvring. One might with equal reason assert that the phenomenal Republican gains in Utah justified the Democratic charge that Mr. Heath's visit to Salt Lake City, in the middle of the campaign, was for the purpose of bartering Republican friendliness toward the Mormon Church for Mormon support of Mr. McKinley. Now that the ballots have been counted, and that both parties have been shown to be less acceptable to the country than they were four years ago, it is reasonable to call a truce. When the winner polls fewer votes relatively and the loser fewer absolutely than four years earlier, there is scant reason for boasting on either side.

The most emphatic lesson to be read in the returns is the great force of party spirit — a spirit which finds its manifestation as much in hatred and distrust of the historic antagonist as in devotion to one's own party. The votes polled by the four or five "third parties" were numerically insignificant. Voters who were wholly out of sympathy with their own party stayed at home, and good judges estimate this stay-at-home vote at 1,250,000. Voters who in years of greater political excitement left their own party for the opposition seem in the main to have returned to their original affiliations. In 1892 there were over a million Populist votes cast, drawn mainly from the Republican party. Most of these, it is evident, have returned to the latter again; for, while many of the most able among the Pop-

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ulist leaders gave their support to Mr. Bryan, the long-time Populist States, like Kansas and Nebraska, were carried by the Republicans. The return to the party of the gold Democrats who abandoned it in 1896 is indicated by Mr. Bryan's marked gains in all the Eastern States where that element is strong, as well as by the great number of newspapers which in 1900 gave him their support after having bitterly antagonized him four years earlier. No one who thoughtfully observed the progress of the campaign can doubt that thousands of Republicans, particularly in the East, voted for Mr. McKinley unwillingly, while disapproving of his foreign policy. Equally true it is that thousands of Democrats, chiefly in the South, voted for Mr. Bryan, while opposing his convictions on expansion and the money question. The force of party spirit held these voters in line for the regular nominee of their party. However much they disagreed with him on "paramount issues," their distrust and even hatred of the rival party dominated their political actions. Senator Hoar gave an excellent illustration of this mental attitude in his effort to reconcile earnest anti-imperialism with active support of President McKinley.

Another effective illustration of the strong tendency of voters to stand by their party in 1900 was furnished in Ohio. Two years ago, Mayor S. M. Jones, of Toledo, running as an independent candidate for Governor, without an organization, and professing himself an adherent of no party, polled 110,000 votes. In the late campaign his voice and influence were cast for Mr. Bryan. He campaigned in Ohio as though he were making the canvass for himself. He appealed especially to those who had supported him in his candidacy for Governor; but when the votes were counted Mr. Bryan had precisely the number he had received in 1896 and the effect of the Jones influence was apparently nil.

The most notable lesson of the election, then, is that marked defections from a normal party vote can only be expected in times of great popular excitement, springing from commercial and industrial distress, or, perhaps, from the imminence of war. A moral issue alone does not win American voters from their party allegiance.

It has been urged by some of the commentators upon this election that it will teach the Democrats that they must abandon "radicalism" and return to "the simple, conservative creed of Jefferson, Tilden, and Cleveland." That is about the way these critics phrase their advice, though many of them opposed Tilden and Cleveland when those statesmen were candidates for office, and would have

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opposed Jefferson had they lived in his day. Friendly advice from the enemy is one of the regular accompaniments of defeat; so we must at least pretend to believe that Republican directions for future Democratic victory are given in good faith and complete disinterestedness. Yet it is passing strange to find the spokesmen of a party that has always antagonized Jeffersonianism — and thrived mightily thereby — adjuring the Democrats to stick close to his eighteenth century creed. I can see nothing in Republican victory to impel the Democracy to abandon its forward movement and tie itself slavishly to the limited social programme which a strict construction of the Constitution fixes. We hear much of the need for economical government; but in the last sixty years the party which has avowedly made economy in expenditure a very subordinate part of its programme has been almost continually in power. We are told that that government is best which governs least; but the voters repudiate that doctrine and give their support to the party which employs the machinery of government for ends which are theoretically improper, but at least offer plausible promise of advantage to all classes. The days of *laissez faire* are passing, and the Democratic party will only weaken itself if it tries to delay their disappearance.

One of the "lessons" which we are expected to read in the record of the late election is that the Democratic party must abandon its "socialistic tendencies." I do not wish to discuss here the merits of socialism; but anyone who will contrast Democratic and Republican legislation and platforms must be convinced that the Democratic party is far behind its rival on the socialistic path. The fact of the matter is that the tendency of the public mind to-day is unmistakably socialistic — if we use the word as it is commonly employed to signify the extension of governmental functions to the rendering of public services hitherto performed by private agencies. The day of municipal socialism—as indicated by publicly owned gas and electric lighting plants, water works, baths, libraries, and playgrounds—is already with us. The measure of national socialism, comprehended by government ownership of telegraphs and telephones, the parcels post, and postal savings banks, has been long a matter of serious political discussion.

So far as this national socialism is concerned, the Republican party has given unmistakable signs of friendliness to it. The Democratic party has given none, although it is commonly dubbed the socialistic party, and is beseeched by Republicans to abandon the error of its

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ways. It was a Republican postmaster-general who urged the establishment of a postal telegraph. The whole tendency of Republican legislation is toward a socialism which is spurious in fact, but one which at least appeals to the less well informed people of socialistic instincts. It is, of course, not true socialism to build up an industry by governmental aid, trusting to its owners to see that some share of the benefits shall be distributed among its workingmen; but it is unquestionably a step toward the extreme socialistic ideal which would make all industry dependent upon government. It savors of the paternal kindliness of the coöperative commonwealth, and has been the chief reason for the prolonged continuance of the Republican party in power.

The Democratic party has always been non-socialistic. In certain districts it is violently anti-socialistic. This is notably the case in the Southern States, if the attitude of the accepted party leaders may be taken as indicative of the sentiment of the voters. That it is so is doubtful. The strength of the Populist party in the South a few years ago and the power of the Prohibition party in certain Southern States to-day suggest that the Southern people are not so wedded to Jeffersonian individualism as their leaders believe. But the Democratic party has never given adequate expression, in its national platforms, to the growing popular conviction that it is a legitimate function of government to protect the people from the extortions of monopoly by taking over and conducting for the public good those enterprises and industries which by the workings of natural law tend irresistibly to become monopolies. One phrase only in the Kansas City platform can, by a very liberal construction, be regarded as looking toward the ideal of the moderate social reformer. "We pledge the Democratic party," said the convention, "to an unceasing warfare, in nation, State, and city, against private monopoly in every form."

However, when the form of this warfare was defined in setting forth the proposed remedy for trusts, it was seen to be distinctly individualistic. Opportunity was there to strike at the force which has been the chief buttress of the trusts by declaring for the principle of government ownership of railroads; but the anti-socialistic temper of the Democratic leaders prevailed. It is difficult, probably impossible, for any individual to estimate accurately the comparative influence exerted by the different planks of a platform; but, judging by the comments which I heard from men of all classes and

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localities, the Democratic remedy for trusts, though incomparably more explicit than that of the Republican platform, was the most disappointing feature of our party programme.

Such radicalism as appeared in the Chicago and Kansas City platforms, while marking a forward step on the part of a party long wedded to a stunting conservatism, was in no sense socialistic. Direct legislation, or the right of the people to pass directly upon proposed laws, as in Switzerland, and, indeed, in many of our States and cities; an income tax, or the demand that citizens contribute to the expenses of government according to their respective means; and hostility to monopoly in private hands, and to two of monopoly's most dangerous weapons, government by injunction and the black list — these are the so-called radical planks. None is socialistic in tendency. With one exception none was attacked during the campaign, and it is wholly improbable that a hundred voters were estranged by all, while thousands were attracted by them. Yet these are the issues which the party is now adjured to abandon, that it may return to the ideals of dead and gone political generations.

No, it was not any radicalism in the Democratic platform which led to party disaster. The lesson is not that the party policy was too advanced for the voters. Rather is it to be considered whether a wider measure of radicalism, a heartier recognition of the widespread demand for the public ownership of natural monopolies, shall not next time contribute to certain party victory.

Not since the days of the anti-slavery agitation has a purely moral issue sufficed to turn a party out of power. Mr. Bryan failed with the paramount issue of anti-imperialism as the Republicans failed with the paramount issue of anti-slavery in 1856. Whether the issue of last November shall live to invite another test at the polls four years later, as did the anti-slavery issue, will depend on the course of the McKinley Administration; but, in the form that it assumed last November, it can scarcely persist, because by that time the protesting Filipinos will have been pacified or slain. Again, the question of the currency, which played a certain, though not a prominent, part in the late campaign, is not assured of place four years hence.

One lesson certainly taught by the recent election is that political importance cannot be given to the money question in a campaign unless in a period of great financial and industrial distress. I believe this is true also of the tariff question. Taxes collected by means of a tariff are so subtly exacted that the people do not recognize their

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contributions as a tax. If times are good they pay them uncomplainingly. If times are bad the tariff extortions are lumped in with the general indictment of "hard times." So far as the currency question is concerned, if the present enormous production of gold continues there will be no demand for a change in the existing system; while if dissatisfaction should arise there are a multiplicity of signs to indicate that the demand will be for curbing the power of the national banks and restoring to the government its historic power of issuing its notes, rather than for a return to the free coinage of silver.

Now, while it is possible, even probable, that neither imperialism nor silver will be an issue four years from now, it is virtually certain that the question of monopoly will then be even more insistent for settlement than it is to-day. Its evils are felt in every household of moderate means in the land to-day. Its blight is upon every form of industry, except when controlled by its beneficiaries. It touches the farmer, the mechanic, and the professional man. To the onward march of monopoly there is to-day no check in sight; but the imagination can scarcely picture the end, if it shall be permitted to continue for four years more its triumphs of the past decade. The lesson of the late election was not that the people are indifferent to this evil, but that in the political discussion it was overshadowed by other things, and that neither party offered for its cure a remedy sufficiently radical to arouse at once popular confidence and popular enthusiasm.

Certain Democratic nominees for Congress took ground far in advance of their party platform, and frankly advocated the destruction of monopoly by governmental assumption of those enterprises which are now being employed to build up and to buttress monopoly. In every case such candidates ran far ahead of their party ticket. The people are more radical than was either the Chicago or the Kansas City convention; but they want radicalism to have its application to those things which touch their immediate interests.

The year 1904 will be big with opportunity for the party which shall recognize and rightly interpret the lessons not only of the last election, but of political history since social and economic problems growing out of increased population, the concentration of wealth, and the development of monopoly, have taken first place in the minds of the people. The party which will be clear, concrete, and fearless in its proffer of remedies will be the one that will deserve well of the voters. The four years to intervene will see marked progress in

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the work of turning over to municipalities the natural monopolies within their bounds. The extension of the same principle to the public functions of State and nation is logical and necessary. Let the nation own its telegraphs and telephones, as England does. Let it own and manage its railroads, as almost every country of continental Europe does, and we shall have done with the secret rebates and the friendly discriminations which have created trusts and still help to maintain them. Let the postoffice carry parcels of reasonable size, despite the opposition of express officials, so as to end the present absurdity which permits the sending of a package by mail from New York to Venezuela and thence to California for less than one can send it to California direct. Let the nation spend its millions in building irrigation plants in the arid West, rather than in killing people in Luzon; and when the desert shall have been made fertile let it be leased to settlers who will live upon it rather than be sold outright to speculators who will hold it idle for a profit. Let us have direct legislation, postal savings banks, and the income tax.

Not all of these things can be done at once; to do any in the face of the selfish opposition of vested interests will be a giant's task. Yet there is not one of these reforms, which here are termed revolutionary, but is in successful operation in some foreign land, whose people we, with American self-sufficiency, are inclined to commiserate as less intelligent and less free than ourselves. *In no nation* where they have been given effect have they been abandoned by reason of failure; and the political party which shall take the first step toward the fulfilment of this programme in the United States will not be permitted to lay down office and authority until all is completed. That is the lesson of the election.

WILLIS J. ABBOT.

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THE ANTI-SCALPING BILL.

THE so-called Anti-Scalping Bill was passed by the lower house of the last Congress, and it was pending in the Senate when that Congress adjourned. The subject was first formally brought up in the preceding Congress. A bill to prohibit the sale of railroad tickets by any person except the railroad companies was favorably reported to that Congress by the House Committee on Inter-State Commerce, and the Senate Committee agreed to report a bill to the same effect.

This action was the result of months of effort on the part of the railroads. The ablest and most influential men in their employ were present at Washington; magnificent headquarters were opened at one of the leading hotels there; printed matter in great quantities was distributed; and many of the officials of the railroads of the country used all their powers of persuasion on members of Congress in an effort to obtain the desired legislation. The only organized opposition was that of the associations of ticket brokers, whose business the bill would have destroyed. These associations, by their indefatigable efforts, aided by the unfortunate popular prejudice against railroads, which this latest aggression on their part has tended to aggravate, succeeded in staying the strong arm of the Government, which threatened to sweep away their occupation and curtail the liberty of every American citizen. Though both the above-mentioned Congresses adjourned without enacting this legislation, it can hardly be doubted that before long the railroad interests will again besiege Congress in force, and, more determined than before, try to prevail on that body to give them what they have so ardently sought and so earnestly worked for.

That, for the time being, the bill, if enacted, would enormously increase the revenues of railroads, is true. That their officers are so strenuous to have the bill passed; that so much money has been spent to push it; that a most powerful and persuasive lobby has been stationed at Washington — powerful in intelligence, persuasive in standing — is enough of an argument to convince the doubter that

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the railroads are after big game. If it should be made a crime to sell a railroad ticket, those owning them would not sell, and the railroads would be practically enabled to get the full three cents — or whatever the legal rate — per mile for almost every journey, and this regardless of any prior contract for a lower rate. No one can object to paying the full legal rate if there be no contract for a lower one; for the rate, if unjust, can be regulated, theoretically, at least, by the States. But the penal feature of the proposed legislation is the danger which seems real; and its imposition is unwarranted. Whether the game above referred to is worth the candle; whether the prize which the railroads are now so earnestly seeking will not prove to be an Apple of Sodom; whether the evils which the railroads now complain of and are seeking to cure by this bill would not be better endured or otherwise remedied — these are questions deserving an inquiry.

That there are evils growing out of the abuse or misuse of the system by which the railroad companies at present collect their revenues is, perhaps, true. There is no doubt that passes are sold and that tickets are forged. But the railroads themselves have it in their power to stop the former evil, and the laws of all the States punish the forgery of railroad tickets as a crime, which, indeed, it is. In addition to this, the laws of most, if not all, the States give to the railroad companies plenary power and full opportunity to protect themselves from frauds and to punish or have punished those guilty of them. If railroad companies do not avail themselves of these powers and opportunities it is their own fault, and they should not be heard to complain. They have many more powers and opportunities of this character than the private citizen or ordinary corporation. Why, then, should they ask the Federal Government to deify them by hedging them about with additional legislation which, for their own exclusive benefit, is calculated to invade the rights of the individual and to stigmatize him with infamy?

Why should Congress make it a crime for me to assign a contract that I have made with a railroad company to carry me a certain distance, when I may freely assign other kinds of contracts? Why should it be a crime for me to assign a contract to carry my person and be perfectly legal and proper for me to assign one for carrying my goods? While it is true that a bill of lading, for instance, represents the goods, and that it is the property therein which passes by the assignment, still the value of the goods is affected by their

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location, and the obligation on the carrier to transport them to the agreed point of delivery is an essential and inseparable element of the value assigned.

If it be of any importance to me that goods which I own by virtue of an assignment of a bill of lading be carried by a railroad company to the place designated, may it not be of infinitely more importance that my person be carried, when a contract to carry a person from one place to another has been made, the agreed price paid to the carrier, and the contract assigned to me? There can be no reasonable objection to my substitution in place of my assignor, if the carrier be under the necessity of carrying for me as well as for my assignor, and on like terms. The duty of a carrier to carry for all alike — which no one will deny — makes the terms of the contract of small importance; and the performance of a duty by one already under obligation to perform it will not support a demand for another or further consideration. Within the limits contemplated by the original contracting parties, why should not *my* person be substituted for that of the original purchaser of the ticket? The ticket, which is the evidence of the contract, and upon the surrender of which only will the carrier perform its agreement, is taken up when I undertake to ride; so that the carrier cannot possibly be called upon to perform two services for the price of one. It costs the carrier no more to carry me than to carry John Doe, of whom perhaps I bought the ticket, and who, by the sale thereof to me, intended to assign to me the benefit of a contract he had made and fully executed by paying the agreed price.

But it is said by the railroad companies that a contract to carry John Doe is not a contract to carry me; that the carrier and John Doe both contracted with reference to each other personally; so that the carriage of my person, by virtue of Doe's contract, is not within the limits contemplated by the original contracting parties. This is not true either in theory or in fact. In theory, a railroad is legally bound to carry, on equal conditions, all who apply for carriage. As a matter of fact, the carrier never has in mind the carriage of the particular person who buys the ticket. As a rule, he is unknown to the carrier; and the undertaking to carry him is not based in any degree on a knowledge of the purchaser's weight, character, or disposition. Unless an intending passenger be insane, drunk, or disorderly, or have an infectious disease, the carrier is bound to transport him. It has no right to discriminate between persons, agree-

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ing to carry this one, and refusing to carry that one. It must and, indeed, is glad to carry all who apply.

Had *I* applied, the carrier would have undertaken to carry me for the same price and on the same terms as it agreed to carry John Doe. If *he* cannot go, it is unreasonable to say that the carrier has earned the money paid to him and is under no obligation to carry a person on the ticket Doe holds. At present, the carrier is certainly under no obligation to return Doe's money to him. Must Doe, therefore, lose it? Forfeitures are obnoxious to the law as well as to the moral sense. Why should Doe not sell his interest or property or right or whatever it is in that contract to someone else? It certainly possesses value, for he gave the carrier value for it; and it is a value that is just as important, impersonal, and general as the value attaching to a commodity.

But, it is said, the Anti-Scalping Bill requires the carrier to redeem the unused portion of a ticket, so that, in the above instance, Doe could obtain a return of his money. Could he? Suppose he had bought a coupon or mileage ticket, which is usually sold at a lower rate of fare than a card ticket, and had partly used it, and might still use it, but is prevented. Now, the carrier has solemnly agreed to carry a person a certain distance, or so many miles, and, doubtless, would carry him on the ticket instanced, if the owner were not compelled to abandon his journey. Instead of being permitted to sell his remaining interest in the contract of carriage, he is entitled by the Anti-Scalping Bill to ask the carrier to redeem the unused portion of his ticket. The carrier rebates to him — what? The value of his remaining interest in the contract, or the unearned portion of the price for the ticket. Not at all! It confiscates that; it disregards the contract; and, by the terms of the Anti-Scalping Bill, it makes a new and executed contract and new charges, and retains of the money Doe has paid it, and which the carrier has been using, the full legal rate for every mile the latter has carried him.

"But," it may be said, "there is no injustice in that. Doe would have had to pay that amount had he originally contracted for carriage for the distance he travelled." I maintain, however, that there is an injustice in it; for if it be obligatory on an intending passenger to pay, in advance, every cent the carrier may lawfully ask for carriage for a certain number of miles — and the carrier always insists on the imperativeness of this obligation — it should be equally obligatory on the carrier to carry a person that number of miles, and

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the obligation should be equally inviolable. To relieve the carrier by statute of this obligation is an invasion by Government of the sacredness of contract, which violates the spirit if not the letter of the Constitution.

It may be said that the contract with John Doe gives him a mere chose in action, and that choses in action are not assignable at law. It is true that most choses in action *were* not assignable at law; yet "an assignment of a chose in action has always been held a good consideration for a promise."[1] Again: "Thus, the benefit of a contract may be sold, and the assignment of a contract forms a valid consideration for a promise to pay the price, which may be recovered in an action at law."[2] Now, if the thing assigned is of no value, if the benefit of the contract assigned is unobtainable by the assignee merely because he *is* the assignee and not the original contractor, where is the consideration for the promise to pay the price to the assignor? It would be idiocy to say that the mere act of *assigning* was all the promisor wanted done or agreed to pay the price to have done. He certainly was after something more than to have a bare right transferred to him which by the very act of transfer became unenforceable. "Courts of common law recognize the validity of equitable assignments for other purposes than to permit the assignee to sue at law in the name of the assignor."[3]

While at common law choses in action were not assignable, "equity permits the assignment of a chose in action or the rights which accrue under a contract, *whenever the contract is not for exclusively personal services and does not involve personal credit, trust, or confidence*, and a suit in equity might be maintained in the name of the assignee."[4] While the assignee takes the thing assigned subject to all the defenses the person bound to perform might have made, yet if the latter has notice of the assignment, and the assignee has given to the assignor a consideration, the courts hold that the assignee may, in his own name and for his own benefit, sue the party liable to perform. And if this be so, the right to sue must certainly be based upon the right to demand performance in the assignee's own name and for his own benefit.

In most of the States statutes have been enacted changing the

[1] Leake on Contracts, 605.
[2] Price vs. Seaman, 4 Barnwell & Cresswell, 525.
[3] Clark on Contracts, 529.
[4] Clark on Contracts, 529.

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common law rule in relation to choses in action. It may be said, generally, that the effect of these statutes is to put an assignment of a chose in action on the same footing at law as in equity.[1] Therefore, the *legal* contract for carriage may be assigned, and performance thereof legally demanded by the assignee. The carrier may refuse to perform the contract assigned for the same reasons that it might refuse to perform it before assignment, *but for no other reasons* — certainly not for the reason that it has been assigned and that performance is demanded by the assignee. For the contract is not for exclusively personal services, and does not involve personal credit, trust, or confidence; that is to say, it is not based upon the peculiar individual character or reputation of either party.

The carrier, as has been said before, seldom or never regards the character or reputation of an intending passenger; and if it did it would have no right to discriminate on that account. And the intending passenger ordinarily does not have the option of selecting more than one carrier to take him to his point of destination. If he does, and he selects one of two carriers on account of its superior character or reputation, the selection cannot be said to be mutual, but is made for the passenger's own benefit, and he may waive it or pass it along by the assignment to the assignee.

If, therefore, a contract to carry may be assigned, why should the national legislature make it a crime to do with reference to such a contract what is innocent enough in reference to other contracts? Why should I not be permitted to sell my interest in a contract for carriage of my person just as I might sell my interest in any other contract? If there is any legal reason why the party with whom I contracted should not perform the contract, he is at liberty to set up that reason against my assignee, and to insist upon it in a suit by the latter to compel performance. But he could not invoke the criminal law to prevent me from assigning the contract or to punish me for having done so.

Now, why should a criminal law be enacted to enable a railroad company, and none other, to do this? Why, in addition to all the statutes already existing and intended for the protection of railroad companies against the frauds to which they are peculiarly liable, and in addition to the laws and machinery of the courts calculated to secure to railroad companies the full measure of their rights the same

[1] Clark on Contracts, 538, 539.

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as other persons, should the Government inhibit the assignment of contracts made with railroad companies, while allowing full liberty for the assignment of other contracts? Why should railroad companies be enabled to invoke the strong arm of the penal law as a defense against the performance of their contracts, while every other citizen is left to the remedies of the civil law? If a certain act affecting two individuals is innocent, and a similar act where a railroad is concerned is to be made a crime, it were better far to plod along in an ox-cart and be free than to ride in a palace car to the penitentiary.

This article was not written in defense of the business of "ticket scalping." Doubtless there are many dishonest "scalpers"; but the fine scorn and deep denunciation of them by some railroad men unconsciously suggests the old saw concerning the dispute between the pot and the kettle. It is really amusing to see, as I have seen in the newspapers, the general passenger agent of a great railroad corporation denounce the "scalpers" as a set of thieves who defy all the laws of morality and fair dealing and insolently declare their intention to disregard any law inimical to their business that Congress may enact, while, within a few days of this phillipic, the erstwhile president of that corporation, commenting on the effect of the decision of the Supreme Court of the United States in the Joint Traffic Association case, declares that the railway companies, though ostensibly submitting to that decision, would really maintain an association for the same purpose as the one just declared illegal, in effect reiterating the sentiment concerning the public said to have been expressed by the great originator of the corporation referred to.

But it has been said that "ticket scalping" has grown to such proportions as to impair the legitimate sale of tickets by the companies themselves; that the "scalper" defrauds the railway by negotiating the sale of tickets which their owners cannot use, thereby supplying intending passengers who otherwise would be compelled to buy new tickets from the railway companies. To stigmatize a business as criminal because its effect is to compel one to perform contracts already made and to earn money already obtained on the promise that it would be earned is a strange argument indeed. If this be the last argument of the railroads, then it might be dismissed with the simple statement that the Government ought not to be called in to settle a mere business dispute, by enacting a special penal law whose purpose and effect shall be to wipe out one of the disputants and safeguard the other, merely because the latter would thereby be

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enabled to make more money. And especially ought not the Government to do this when, by doing it, the freedom of every citizen is invaded and curtailed. If what is to be inhibited were *malum in se* it might be different, but it is not.

But let us see if the "scalper" is really engaged in a nefarious business. What does he do? Does he sell tickets for which the railroads have not received their money? No. If he does he must have stolen or forged them; and, like any other criminal, the laws pronounce a penalty against him for that. He simply sells tickets he has bought at a low price from others who have paid the railroads what they asked for them. For the railroads to cry "Thief" at him for this, when, but for it, they would be called upon to carry out contracts they have made and already enjoy the benefit of, smacks of dishonesty to say the least.

But the railroads insist that the "scalper" is an accomplice of the "dishonest" ticket purchaser, who, having gotten a mileage book, for instance, on condition that he will not assign it, goes straightway and does assign it, so that any one desiring to travel a short distance can do so at a lower rate than he otherwise could. This is an ingenious argument, because it appeals to the average American's innate sense of justice. But it is specious — specious because predicated on false premises; for it is based on the right of the railroad companies to discriminate, and carry A at a lower rate than B. Absolute equality is the ultimate rule whereby the legality of a railroad company's treatment of the public should be tested. And if the railroad companies desire to sell a large quantity, as it were, of transportation at a lower rate than a small quantity, they may do so, of course; but they should justify the sale on its true grounds, namely, the wholesale quantity purchased, not on the ground that the purchaser's personality is any part of the consideration.

But is this action of the railroads in seeking to obtain the passage of the Anti-Scalping Bill wise or far-seeing? Doubtless, the immediate effect of the passage of the bill would be to increase receipts by enforcing a forfeiture of contracts. It is, practically, nothing but a scheme to enable the railroad companies to maintain full legal tariff rates under all circumstances. This act, operating on the public instead of the railroad companies, would be far more effective to the same end than a law permitting pooling by railroad companies, which, because it absolutely eliminates competition, has been long desired by them. With this act a law, the pooling ques-

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tion, so far as passenger traffic is concerned, will be settled in favor of the railroad companies, and settled far more emphatically than the most ardent supporters of the pooling privilege ever hoped for.

While the act would operate to the immediate financial benefit of railroad companies, enabling them to benefit by "forfeitures," and also enabling them to exact full legal rates, upon pain of fine or imprisonment, yet the fact that railroad companies are thus further privileged, that their privileges so far exceed those of other businesses, and that this Anti-Scalping Bill invades the freedom of every person, will certainly be obnoxious to the American sense of equality and justice. It will arouse the deep resentment of the people; and the railroads will, beyond question, find that they have courted an attack on their interests that will be costly to them and certainly effective. This will be based not alone on a desire for cheaper transportation. That desire might not reach fruition in the face of a proper showing. But it will be also based on a sense of injury — from rights invaded by special legislation to subserve the private ends of a favorite — which will demand reprisal. And the reprisal will certainly come in the shape of a reduction of fares, and, perhaps, of rates also. While this might not immediately follow, it would be sure to come; and, in staving it off, the railroads would find that they had lost more than the gain would be by reason of the success of the Anti-Scalping Bill, "and the last state of that man is worse than the first."

Hugh T. Mathers.

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THE NEGRO AND EDUCATION.

At a time when the universal craze for expansion is rendering long-established beliefs uncouth and inadequate, it becomes necessary to reëxamine the foundations of our faith in the light of the new gospel. The national opinion concerning the negro is formed and re-formed with such startling rapidity that only the process of instantaneous photography can preserve its shifting phases. We have seen innumerable remedies prescribed for the ills of this race with the cock-sureness of a patent nostrum. The frequency with which the remedy is changed, however, justifies the suspicion that the physician is ignorant of the nature of the malady which he undertakes to treat. There has been a blind and fanatical reliance upon the potency of education as a universal solvent. The Bible, the spelling book, the college curriculum, and the industrial workshop have been prescribed, each in rapid succession, as the panacea of all ills. And yet the progress of the disease is in no wise checked, nor has its malignity been one whit abated.

The race problem should be viewed under a twofold aspect:

1. The development of a backward race.
2. The adjustment of two races of widely divergent ethnic types.

In this case these factors are antagonistic to each other. The more backward and undeveloped the negro, the easier becomes his adjustment to the white race. The good old negro servant, loyal and faithful, is ever acceptable to his white lord and master; but his more ambitious son, with a Harvard diploma in his knapsack, is a *persona non grata*. The bond of adjustment which slavery established between the races was quickly burst asunder when the negro was made a free man and clothed with full civil and political privileges. The frictional aspect of the race problem grows out of the technical abolition of the negro's inferior status.

Can these two races be adjusted on terms of equality? This is but a fragment of the larger ethnological problem whose solution devolves upon the twentieth century. The harmonization of such

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diverse ethnic elements as Russ and Turk, Slav and Saxon, Celt and Teuton, Caucasian and Mongolian, Aryan and African must be relegated to the sphere of statesmanship, philanthropy, and religious sanction. This can be effected, if at all, only through far-sighted public policy. Herein consists the chief mistake that has been made concerning the race problem. We have relied upon education to accomplish results which lie outside of the circle of its aims. The function of education is to develop the latent faculties of the individual; it reacts upon social problems only in so far as the individual is a constituent factor. The social purpose controls and dominates individual activities. The drift of recent tendencies of civilization lends force and effect to the words, "The individual withers, and the world is more and more." If the education of the negro has not worked out the fulfilment which its propounders prophesied, it simply proves them to have been poor prophets, but should not discredit the value of education within its legitimate sphere and scope.

In discussing, then, the effect of education upon the negro, our consideration should be limited to the developmental phase of the question, to which alone it is applicable. In the last few years the higher education of the negro has been so far overshadowed by the clamor for industrial training that we have ceased to discuss it, except in a half-hearted, apologetic way, as if in quest of a gradual and graceful recession from a discredited policy. There are still, however, some few remaining who persist in the belief that the importance of this form of training will become more and more apparent as we gain a clearer insight into the true nature and probable outcome of the African element of our cosmopolitan population. Two facts stand out bold and pronounced, which must be the determining factors in any scheme for the betterment of the negro's status.

1. The negro belongs to an undeveloped race, and is, therefore, many centuries behind his Aryan competitor in the cultivation of those qualities which make for progress. He possesses only such promiscuous experiences as he has picked up during the past two or three hundred years while confined to the backyard of civilization.

2. For all time with which we may wisely concern ourselves, his religious, social, and cultural life will be relegated to a separate sphere. The African and the Anglo-Saxon will come together for purposes of business and philanthropy; but for pleasurable intercourse and social satisfaction each will return to his own company. The social isolation of the negro makes imperative an educational scheme

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which provides for a wise and competent self-direction. The negro has now reached a critical stage in his career. A generation of estrangement has almost completely destroyed the point of attachment between the races which existed under the slave *régime*. The relation is daily becoming less intimate and friendly, and more business-like and formal. It thus becomes all the more imperative that the negro should gain for himself the primary principles of knowledge and culture.

The higher education of the negro was undertaken as an experiment, to test his capacity to profit by the higher lines of learning. The theory which slavery sought to uphold was that the negro's skull was too thick to learn; and in order that the facts might fit the theory the attempt was forbidden. It is intellectual obliquity or moral cowardice which causes men to reënact the laws of the Almighty.

When the advocates of the negro's cause found that he possessed ordinary mental faculties, their enthusiasm knew no bounds. As is usual with new discoveries, extravagant claims were put forth for this fresh intellectual "find." Colleges and universities, embracing the higher reaches of European learning, were established for a race which, up to that time, had not learned the use of letters. The educated negro was paraded as a spectacular curiosity which it was worth a Sabbath day's journey to see. It was confidently expected that the haughty Saxon would lay aside his arrogance, and hail the African as his full brother, because he could conjugate a Greek verb or scan a Latin ode.

On the other hand, the negro looked upon education as possessing talismanic power. He believed that the ability to read and write, and especially the possession of a college diploma, would remove every weight which beset him. His blind, fanatical enthusiasm for knowledge was both laudable and pathetic. Was it not a kindly blindness that he could not foresee that education creates as many problems as it solves, and that the tree of knowledge is also the tree of good and of evil? Thus does the buoyancy of enthusiasm overshoot the mark of sober calculation; and yet, without such enthusiasm, there would be wanting sufficient incentive to achieve calculated results.

Experiments are usually accompanied by a waste of material. This has doubtless been true in the case under consideration. Too many experimental stations have been established, and much money and material utilized. There are to-day ten times as many colleges

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and universities for negro youth as the race, in the present state of its material and intellectual poverty, could reasonably be expected to furnish an adequate constituency for. Many of the results have been extremely grotesque. The inestimable value of the experiment, however, consists in the fact that the negro has been shown to possess a good degree of intellectual ability. His acquisitive faculties have been proved beyond peradventure, whatever may be thought of his inquisitive power. Those who still persist in doubt show themselves to be objects of pity because of their incapacity to grasp the truth. The question of the relative capacity of the races possesses only an academic interest. It is sufficient to know that the negro, not merely as an individual prodigy, but in numbers quite as large as could be expected from his environment and opportunities, possesses the ability to take on the higher knowledge, to interpret it in terms of his own thoughts and feelings, and to apply it effectively to the world's work.

It is hard to overestimate the value of this conclusion. Up to that time all manner of proscription and iniquitous treatment had been justified upon the ground of mental incapacity. Physical characteristics were taken as the index of capacity for knowledge and virtue. Men looked upon the negro's facial angle, cephalic index, and pigmentation of the cuticle, and exclaimed: "What need we of further proof?" The mind is not only the measure of the man, it is also the highest common factor of power, prestige, and privilege. Carlyle, who regarded the negro as an "amiable blockhead," and amenable only to "the white man's beneficent whip," also exclaimed "that one man should die ignorant who had capacity for knowledge, this I call a tragedy were it to happen more than twenty times in the minute." When it is demonstrated that the negro has capacity for knowledge and virtue, he thereby establishes his title clear to the opportunity for their development and exercise. The chains that bound the body of Frederick Douglass to a cruel servitude were as tender cords of mercy compared with the shackles that gyved his mind to a degrading ignorance.

The stronger races to-day are dealing with the weaker ones on the principle that privilege shall be proportional to capacity. The "over-man" says to his feebler fellow: "All power inheres in me by right of superiority; but I will graciously grant you as large a measure of privilege and opportunity as you are capable of exercising, *me judice.*" That scheme, therefore, which encourages the mani-

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festations of capacity is the only hope of the "lesser breeds" who are struggling against the arrogance and rapacity of the ruling race. This principle becomes all the more important when we consider that the tendency of the time is to abandon the old gospel of "the innate rights of men," and to set up in its place the idolatry of "the divine right of power." If a beneficial and kindly contact between the races is denied on the lower plane of flesh and blood, it must be sought for in the upper region of mental and spiritual kinship. Knowledge and virtue have no ethnic quality;

> "For East is East and West is West, and never the twain shall meet,
> Till earth and sky stand presently at God's great judgment seat;
> But there is neither East or West, border nor breed nor birth,
> When two strong men stand face to face, though they come from the ends of the earth."

According to Rudyard Kipling, the new oracle of the Anglo-Saxon race, the irreconcilable become reconciled only as each manifests the best possibilities of a common nature.

The higher education tends to develop superior individuals, who may be expected to exercise a controlling influence over the multitude. The individual is the proof, the promise, and the salvation of the race. The undeveloped races, which, in modern times, have faded before the breath of civilization, have probably perished because of their failure to produce commanding leaders to guide them wisely under the stress and strain which an encroaching civilization imposed. A single Indian, with the capacity and spirit of Mr. Booker T. Washington, might have solved the red man's problem and averted his pending doom.

The negro misses the gradual process of evolution, and education must be relied upon to make good the deficiency. The African was snatched from the wilds of savagery and thrust into the midst of a mighty civilization. He thus escaped the gradual process of evolution. Other men have labored, and he must enter into their labors. Education must accomplish more for a backward people than it does for those who are in the forefront of progress. It must not only lead to the unfoldment of faculties, but must fit for a life from which the recipient is separated by many centuries of development.

The fact that backward people are surrounded by a civilization which is so far in advance of their own is by no means an unmixed advantage. In the tempestuous current of modern life the contestant must either swim on the surface or sink out of sight. He must either conform or succumb to the inexorable law of progress. The

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African chieftain who would make a pilgrimage from his native principality to the city of Washington might accomplish the first part of his journey by the original modes of transportation — in the primitive dugout and upon the backs of his slaves — but he would complete it upon the steamship, the railway, the electric car, and the automobile. How swift the transformation! And yet how suggestive of centuries of toil, struggle, and mental endeavor!

It required the human race thousands of years to bridge the chasm between savagery and civilization, but it now must be crossed by a school curriculum of a few years' duration. The analytic process is always more rapid than the synthetic. We are told that the individual in his development must pass, in rapid succession, through all the stages traversed by the race in its struggle upward. We are also informed that social evolution must take a somewhat similar course. The European child is supposed to absorb the civilization of his race in about twenty-five years of formative training. The negro is required to master the principles of civilization in a similar, and, indeed, in a shorter time.

Education is conservative rather than progressive in its main features. Its chief function is to enable the individual to live the life already attained by the race. The initiative of progress is reserved for the few choice spirits of the human race. The bulk of any people can only live up to the level of their social medium, and can be uplifted only by social impulses imparted by some powerful personalities. Education prepares for a statical rather than a dynamic condition of society. And yet, notwithstanding these stern truths, every educated negro must be a reformer, a positive, aggressive influence in uplifting the masses, and that, too, in spite of the fact that he belongs to a backward breed that has never taken the initiative in the progressive movements of the world. He must, therefore, be aroused to a consciousness of personal power, to energy of the will, and to individual initiative — that subtle, indefinable quality which has always exerted a controlling influence upon human affairs — in spite of the theories of doctrinaires and the formulas of philosophy. It is only the spirit of the higher knowledge that can enkindle the enthusiasm and impart the impulse.

The negro is to be grafted upon the tree of civilization, and in order that the graft may take well it should be set upon the most vigorous and promising limb. The choice youth of the race should assimilate the principles of culture and hand them down to the masses

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below. This is the only gateway through which a new people may enter into modern civilization. Herein lies the history of culture. The select minds of the backward race or nation must first receive the new cult and adapt it to the peculiar needs of their own people. Did not the wise men of Greece receive the light from Egypt? The Roman youth of ambition completed his education in Athens; the noblemen of northern Europe sent their sons to the southern peninsulas in quest of larger learning; and up to the present day Americans repair to the European universities for a fuller knowledge of the culture of the old world. The Japanese looms up as the most progressive of the non-Aryan races. This wonderful progress is due, in a large measure, to his wise plan of procedure. The picked youth is sent to the great centres of western knowledge; but before the culture is applied to the needs of the Japanese, it is first sifted through the sieve of their native comprehension.

That mere contact with a race of superior development cannot of itself unfold the best possibilities of a backward people is a proposition which, I think, no student of social phenomena will be inclined to dispute. For four hundred years the European has been brought in contact with feebler races in all parts of the world, and, in most cases, this contact has been as the blighting finger of death. Nowhere do we find an instance in which a people has been lifted into civilization thereby. Outward conformity may be enforced by a rigid discipline; but outward forms and fair practices are of little or no avail if the inward appreciation be wanting. Civilization is a centrifugal and not a centripetal process. It cannot be injected hypodermically. Healthy growth cannot be secured by forcing upon a child a diet which he cannot assimilate.

Aside from political ambition and commercial exploitation, the chief motive of the European in treating with the feebler races has been to civilize and enlighten them. The conversion of the Indian to the Christian faith was the chief motive assigned for the early colonization of America; and yet the influence of such schools as Hampton and Carlisle has, perhaps, done more to uplift the red man than all of the contact with the white race since Columbus first planted his cross in the virgin soil of a new world. Indeed, the superficial, frivolous, and vicious qualities are more easily communicable. The substantial qualities of mind and soul can be developed by independent activity only.

For four centuries the Portuguese have been touching the life of

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the east coast of Africa with their missionary propagandism, commercial enterprise, and governmental policy; but, according to the highest testimony, they have made no more abiding impression upon the life of that continent than one might make upon the surface of the ocean with the dent of his finger. Civilization cannot be imparted by attrition, but is the unfolding of the seed whose potency is in itself.

When the higher education of the negro is broached, industrial training is sure to be suggested as a counter irritant. Many able and earnest advocates of the negro's cause seem to have lost the power of binocular vision and have become one-eyed enthusiasts over a narrow feature. The two forms of education are not antagonistic, but supplemental: the one applies to the few, the other to the many; the one supplies the motive, the other the method. The negro needs, first of all, lofty ideals. The surest way to induce a people to provide for the material needs of life is to teach it that "life is more than meat." In order that the negro may feel a zest for work, and enter into the joy of service, he must have prospect and vista.

The day laborer pursues the mechanical rounds of his stupid toil, conscious only of the fact that "time and the hour run through the whole day." Under a more enlightened view, he would be inspired and sustained by the anticipated enjoyment of the fruits of toil. The negro lacks enlightened imagination. While slavery inculcated the regular habit of labor, it held out no incentive beyond the master's crib. The negro does not make provision because he lacks prevision. The prayer, "give us this day our daily bread," to him has a material and literal significance. The industrial incapacity of the negro is due largely to the fact that he has been confined to the low grounds of drudgery and toil without being permitted so much as to cast his eyes unto the hill of aspiration and promise. "The man with the hoe" is of all men most miserable, unless, forsooth, he has also a hope; but if he be imbued with the spirit of hope and promise, he can wield the hoe with as much zest and satisfaction as any other instrument of service.

It is true that a people must be rooted and grounded in the concrete principles of things. When a seed is sown in the ground, it first sends its roots into the soil, but only that it may rise out of it so as to bring forth foliage and flower and fruit in the air above. The incentive to noble endeavor comes from a rational conception

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of the true end of existence. We cannot reach the sky on a pedestal of brick and mortar; and all attempt to do so must end in bewilderment and confusion, as it did on the plains of Shinar in days of old. Even the builders of the tower of Babel derived their inspiration from above. They were inspired by the conceit that they were descended from the skies, and sought by mechanical contrivance only to regain the blissful seat. The negro needs a wider and a larger range of vision. He cannot see beyond the momentary gratification of his desires. He does not look before and after. The most effective prayer that can be uttered for him is, "Lord, open thou his eyes." Such influences can be brought to him by means of the higher culture only.

Prof. Booker T. Washington is the greatest man which the race, under freedom, has produced. But his success is due wholly to his intellectual and moral faculties — his enlightened mind, consecrated zeal, and persuasive ability. The mastery of an hundred handicrafts would add nothing to his usefulness or power. Those leaders who have been most effective in guiding, directing, and controlling the life, in stimulating the lethargic energies, and in quickening the zeal of the masses, have derived their inspiration, either directly or indirectly, from contact with higher culture. This is true of Douglass, the orator; of Washington, the educator, and of Dunbar, the poet. The architect must plan before the artisan can execute. The idea comes from above and descends until it strikes the basis of popular needs, and then rebounds, bringing the concrete fulfilment up toward the level of the ideal from which it sprang.

The claim is made that the colored youth is leaving the practical and useful pursuits and is rushing into the higher lines of learning. The fact is that not one negro in ten thousand is pursuing the higher education. After abstracting all who are able to think, there will be left sufficient to toil. The race could absorb more than ten times the present number of well educated men as ministers, doctors, and teachers. The social friction which divides the races asunder requires that this service be rendered by colored men. They need all of the preparation deemed necessary for white men in the same pursuits. The sick must be healed, the ignorant must be enlightened, the vicious must be restrained, and the bread of life must be broken to the hungry soul. There is no attribute of color that relieves the difficulty of the task.

Those who disparage the higher education because it has not

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banished ignorance and poverty and has not obliterated vicious tendencies are too impatient. If it takes twenty-five years to educate a white boy, it must require an incalculably longer period to educate a black race. It is true that $40,000,000 or $50,000,000 has been already contributed by philanthropy for the education of the negro. This is about equal to the biennial expenditure of the city of New York for educational purposes. And yet, if we are to believe the reports of the low state of municipal morality and the rumors of corruption and wrongdoing, we see that education has by no means done its perfect work in our national metropolis. Then why should we rave at the heart and froth at the mouth because a sum of money scarcely equal to the biennial educational cost of a single American city, when scattered over a territory of a million square miles, and distributed through a period of thirty years, has not completely civilized an undeveloped race of some 10,000,000 souls?

The American people must yet learn to apply the simple principles of political economy to the race problem. A dollar contributed by philanthropy is not necessarily any more efficacious than one appropriated out of the public treasury. Money devoted to the education of the black race need not be expected to yield any greater return, either of knowledge, virtue, or practical capacity, than a like sum devoted to the white race. Although the Southern States have contributed to the full amount of their ability, it is still true that the combined contributions of Northern philanthropy and Southern statesmanship have been wofully inadequate to the task imposed. The doctrine that the whites pay the taxes to defray the expenses of negro education is one of the false notions of political economy which have done so much to blight the material prosperity of the South. It is an axiom that labor pays every tax in the world; and although the laborer may not enjoy the privilege of passing the tribute to the tax-taker, he is entitled to share in all of the public benefits which the fruits of his labor make possible. The millions of dollars spent upon negro education have borne as abundant fruit as any like sum expended in any other direction. This is all that could be reasonably expected.

We are apt to be misled by the array of statistics showing the decline of illiteracy among negroes. All those who can read and write are set apart as educated persons, as if this mere mechanical information worked some great transformation in their nature. The fact is that a very small percentage of the race is educated in any

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practical or effective sense. The simple ability to read and write is of the least possible benefit to a backward race. What advantage would it be to the red Indian to be able to trace the letters of the English alphabet with a pen and to vocalize the printed characters in syllables and sentences? Unless the moral nature is touched, and the vital energies are aroused, there will be no improvement in conduct or increase in practical efficiency.

Education has a larger function for a backward than for a forward race; and, therefore, it requires more of it for the former to accomplish a given result. To the one it merely furnishes a key to an existing lock, while to the other it must supply both lock and key. The pupil who is already acquainted with the nature and conditions of a problem may need only a suggestion as to a lucky or skilful combination of parts in order to lead to its solution; whereas to one ignorant of the underlying facts and factors such a suggestion would be absolutely useless. It is for this reason that much of the information which the negro seems to possess is void of practical effect. If the negro has been intoxicated by the first shallow sip of knowledge, he needs the sobering influence of a larger draught.

Senator Tillman, of South Carolina, has recently said that the negro wears his education as a coat of paint, and that if you scratch him the savage will be revealed beneath the surface. The distinguished Carolinian can only claim originality for the picturesque and pointed form of statement of a prevalent belief. Is it not true that our civilization at best is only a process of veneering? When we recall how the wild fury often breaks through the outer crust, venting itself in the murder, lynching, and torture of helpless victims, it is easy to see how near the surface the savage lies. It would be preposterous to suppose that a few years of schooling could do for the African what twenty centuries of cultivation has not done for the Aryan.

Even this admission on the part of the successor of John C. Calhoun is a valuable concession. At one time it would have been denied that this crude material could take on a coat of paint. One of the uses of paint is to hide the crudeness of the material to which it is applied. Who does not appreciate the value of this function? If the white man, then, is better able to hide the savage which survives in us all, it is only because he has undergone a deeper coat of painting. The remedy for the less fortunate negro is not in less paint, but in more.

With a slight modification of figure, this same idea was advanced

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by the late Hon. Charles Dudley Warner, who, in his last important public utterance, likened the higher education of the negro to a top dressing of a thin and sterile soil. Again, it might be urged that a top dressing is the most effective way of improving such soil that has yet been advanced by agricultural science.

In seeking for a solution to the race problem the white man is mainly anxious for the effect upon his lordly self. The African is not regarded in his own rights and for his own sake, but merely with reference to the effect which his presence and activity produce upon the dominant Aryan. He is merely a coëfficient which is not detachable from the quantity whose value it may either increase or diminish. The black object is always projected against a white background, producing a grotesque and gloomy silhouette.

The whole history of the contact of the races deals with the negro as a satellite, whose movements are secondary to those of the central orb about which it revolves. Civilization was not thought possible for the sons of Ethiopia. The sable livery of the tropics was deemed impervious to ennobling influences. The negro could only contribute to the wants and welfare of the higher, or, I had rather say, the haughtier, race. With a self-debasement surpassing the vow of the anchorite, he was expected to bow down to this white god and serve him, ascribing unto him "the kingdom, the power, and the glory, forever." The whole scheme of the subjugation and oppression of the African by the Aryan is based upon the theory that the negro represents an inferior order of creation, and that, therefore, his needs are secondary to and derivable from those of his white lord and master. The ordinary attributes and susceptibilities of the human race have been denied to him.

When it was first proposed to furnish means for the development of the nobler side of the negro race, those who possessed the wisdom of their day and generation entertained the proposition either with a sneer or a smile. Ridicule and contempt have characterized the habitual attitude of the American mind toward the negro's higher strivings. The African was brought to this country for the purpose of performing manual and menial labor. His bodily powers alone were required to accomplish this industrial mission. No more account was taken of his higher susceptibilities than of the mental and moral faculties of the lower animals. The white man, as has been wittily said, saw in the negro's mind only what was apparent in his face — "darkness there and nothing more." His usefulness in the world

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is still measured by physical faculties rather than by qualities of mind and soul.

Even after the wonderful transformations of the last thirty years, many claim to discern no function which the negro can fill in society, except to administer to the wants and wishes of others by means of bodily toil. The merciless proposition of Carlyle—"the negro is useful to God's creation only as a servant"—still finds wide acceptance. It is so natural to base a theory upon a long established practice that one no longer wonders at the prevalence of this belief. The negro has sustained servile relations to the Caucasian for so long a time that it is easy, as it is agreeable to Aryan pride, to conclude that servitude is his ordained place in society. If the higher susceptibilities are not needed, it is but natural that their development should be discouraged.

But the negro must of necessity, as the true friends of humanity will of choice, take the broader view. He is a man *per se* in his own rights, and therefore stands in need of civilization for his own sake. The negro race, or rather the negroid race, constitutes one of the largest ethnic divisions of the human family. Its dogged physical persistence indicates that it will exercise a potent influence on the progressive movements of the future. Our little schemes and quack nostrums can secure repose and tranquillity for a day only, but cannot defeat the cosmic plan and purpose. He who supposes that a knowledge of astronomy or of Greek syntax can solve ethnic problems is not less foolish than he who presumes that the solution will follow upon the ability to hit a nail aplumb with a hammer or to cut a line with a rip-saw.

Civilization is based upon knowledge, industry, culture, and virtue. Knowledge comprehends the relation and function of things; industry gives concrete embodiment; culture leads to rational enjoyment; and virtue preserves and perpetuates. Those who wish the negro well should aid him, in his weakness, to get hold of these primary principles. Thus equipped, he becomes "self-balanced for contingencies," and can face the future "with a heart for any fate."

KELLY MILLER.

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THE LAWS AND USAGES OF WAR AT SEA.

During our Civil War a code of the laws of war on land was drawn up by Dr. Francis Lieber, then of Columbia College. It was issued to the Army, April 24, 1863, after review by a board of officers, under the official title of "Instructions for the Government of the Armies of the United States in the Field."

Blüntschli, the great German publicist, said that of the various modern acts and movements that have tended to ameliorate the evils of war, the promulgation by our Government of these instructions was among the first and most remarkable. These instructions treat of martial law, military jurisdiction, military necessity, retaliation, questions arising as to public and private property of the enemy on shore, and the proper protection to be afforded to persons, religion, and the arts and sciences. They have been the pioneer of the various national codes; and, as a whole, they have been accepted by text writers of authority as of standard and permanent value and as expressing at the time the best usage and practice of civilized nations in time of war and military occupation.

They have also formed the nucleus of the various propositions for an international code of the laws and usages of land warfare drawn up at various conferences and by various voluntary organizations for the betterment of warfare and the advancement of the principles of international law. Finally, there has resulted from the Hague Conference of 1899 an international code of the laws of land warfare, which has been adopted by almost all of the Powers of the civilized world. A period of thirty-six years was thus required for Lieber's work to bear complete fruitage.

Warfare upon land lacks many of the complications and difficulties existing with respect to warfare upon the sea. The high seas are the territory of no one country; they are the pathways for the trade of the world; and, as a matter of necessity, the neutral, omnipresent upon the sea, has his rights and duties in war time which lie side by side with the manifest rights and obligations of the belligerent Powers.

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One of the special objects of maritime war is to prevent the enemy from procuring war material from neutral sources; and the right of search and that of blockade that go with this prevention are a source of constant vexation.

No maritime war in modern times has occurred without many and serious complications between the belligerents and neutral Powers; and even when one belligerent alone has maritime strength, as in the case of the South African war, questions arise with neutral Powers which involve matters of grave and far-reaching consequence. For this reason, besides others, the establishment of a code of the laws of war upon the sea by any nation has been for a long time delayed. The nearest approaches have been the instructions drawn up for the French Navy in 1870 and the instructions to blockading vessels and cruisers issued for the guidance of the Navy of the United States by the Navy Department during the Spanish-American War of 1898.

The United States has now again come to the front; and, during the year just past, the first code of the laws and usages of war upon the sea has been promulgated to the naval service by the direction of the Secretary of the Navy, with the approval of the President of the United States. As this code was prepared at the Naval War College by its then president, the alternative name of Naval War Code is not only suggestive as to the time of its use, but also of the place of its preparation. The necessity for a code of this kind has been long felt; and the immediate suggestion which bore fruit in the code came from an officer fresh from the vexations of the blockade and patrol of the Spanish-American War, and from the perennial revolutions in the islands and along the mainland of the Caribbean Sea.

In the preparation of the code, such naval authorities as Admiral Dewey and Captain Mahan were consulted as representatives of the profession of arms, while such distinguished publicists and scholars as Professors Woolsey, John Barrett Moore, Strobel, and Wilson reviewed the work and offered most valuable suggestions. To these gentlemen obligation is due for their labors for the common good; but above all the Navy and the country are indebted to Secretary Long, who, from his kindly and philanthropic nature, was from the first in sympathy with a movement which aimed at the amelioration of the evils of warfare and the limitation of its hardships upon the sea.

In the first article of the code is stated what may be called the keynote of the work — that the general object of war is to procure the complete submission of the enemy at the earliest possible period,

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with the least expenditure of life and property. As an evidence of this, the question of the bombardment of unfortified and undefended places is treated with liberality and humanity. Such a bombardment is forbidden, except where it occurs incidentally in connection with the destruction of valuable naval and military establishments, or unless essential supplies are forcibly withheld and denied. Any such bombardment for the non-payment of ransom is prohibited.

Such restriction of bombardment is not only just and humane; but, if generally adopted, it would save great and unnecessary destruction of property, and obviate the expenditure of large amounts of money for defenses in places of commercial value alone. The use and occupation of such places, if necessary for military or naval operations, can still exist; but the panic and anxiety existing in all coast towns, whether reasonable or not, can be alleviated without sacrificing any essential war right. In fact, really important diversions have been caused from main objectives in war time on account of panic-stricken demands from sea coast towns which are purely commercial in their anchorages and all other functions.

The question of submarine cables in war time is treated in a general sense. Telegraphic cables between points in the territory of an enemy or between our own territory and that of an enemy are to be subject to such treatment as the necessities of war may require; but cables between the territory of an enemy and neutral territory may be interrupted within the territorial jurisdiction of the enemy. A submarine cable between two neutral points is to be held inviolable, though it is probable that the neutral will exercise some sort of censorship over such a cable, as Great Britain did in its West Indian ports during the Spanish-American War.

The use of false colors on land has been forbidden by the laws of war on land for some time; and this prohibition by the code under discussion is extended to the sea. The alternative of showing no colors remains to a vessel of war; while the evasion of a blockade like that made by the Confederate cruiser Florida at Mobile, and the complications arising from the identification of neutral men-of-war, will be no longer possible if the teaching and example of the United States in this matter be followed by other countries.

Whatever doubts have existed as to the exemption of innocent coast fishing vessels from capture as an established rule of international law have been removed, so far as we are concerned, by the masterly decision of Mr. Justice Gray, of the Supreme Court of the

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United States; and hence that ruling has been incorporated in this war code. The liberal regulations established by our Government for the merchant marine of Spain at the outbreak of our late war have been adopted and extended in these regulations; and mail steamers regularly following prescribed routes are given as much freedom from disturbance as the necessities of a belligerent will permit. With certain additional provisions, the articles of the convention proposed by the Conference at The Hague for the amelioration of maritime warfare, under the principles of the Geneva Convention for the care of the sick and wounded, have been substantially incorporated in this code. Under the vexed head of contraband of war, a general definition and classification of contraband articles can be found. Practically, contraband of war is limited to such articles as have a belligerent destination and purpose.

Following the concise treatment of contraband are sections treating of blockade, the exercise of the right of search, the dealing with prizes, and the status of armistice, truce, and capitulations. When not in conflict with its requirements, it is provided by this code that the regulations respecting the laws of war on land in force with the armies of the United States shall govern the naval service whenever circumstances render them applicable. As this latter code covers in a satisfactory manner the questions of prisoners of war, parole, spies, military occupation, etc., a repetition of such regulations then becomes unnecessary.

In closing this brief discussion of the new code of the laws and usages of war at sea, it is hardly necessary to dwell upon the desirability of mitigating the evils that attend warfare. The participants in war, above all others, know the sad effects of warfare afloat and ashore, and they welcome, as all others undoubtedly do, any efforts to mitigate and reduce them in extent. Laws of war, no matter how imperfectly drawn, do assign limits and methods in the conduct of warfare. These limitations, as has been well said, have the effect of sustaining the idea that war is only made in order to promote a distinct political object, and not for the purpose of giving vent to passions, which, if they exist, are the disfigurements and not the characteristics of war in general.

CHARLES H. STOCKTON.

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SHEEP AND THE FOREST RESERVES.

As I was talking one day with Mr. John Muir, the explorer, in his pleasant home in Martinez, California, he told me, with quiet humor, how, at one time, while exploring the Sierra Sequoias, he was persuaded to take with him a small wild mule to carry a pair of blankets and provisions, and how he had no end of trouble in finding a way for the little hybrid and enough pasture to keep it from starving. As a rule, he was wont to go afoot and without blankets; but this trip was to be a long one, and one that would carry him out of reach of even the simplest of food supplies.

Starting from Yosemite, the Sequoia belt was traced to its southern extremity, near the big bend of Kern River. On the long journey the wild mule became very tame and companionable; but grass and leaves of any sort grew scarcer and scarcer, until the south fork of Tule River was reached. Here one evening Mr. Muir turned his hardy companion out to feed, as best it could, on leafless brush. It went as it was told; but when Muir had made his campfire, and was brewing his tea, the mule came back from its searching. It had been unsuccessful.

"It just came to me," said Muir, "put its head over my shoulder, and spoke to me."

That was enough. He gave half his loaf of bread to the mule, and then and there told it that they would leave the next day for the lowlands and the needed feed. And so they did. The very evident trouble for John Muir and his mule were the sheep. Sheep had passed that way before them and had devoured every leaf—sheep that John Muir branded with a name more lasting than the mark on their wool when he called them hoofed locusts.

Most outsiders, townspeople and Eastern folk generally, are wont to think of all sheep as resembling Mary's little lamb, whose fleece was white as snow, and that followed her to school one day — pretty, harmless little pets, too weak and insignificant for a passing suspicion even that by any possible chance they could be agents for either

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good or evil over the million acres of forest reserves that now are coming tardily to be valued at their worth, and to be protected accordingly by the United States, which owns them. A snowflake, a very pretty and delicate crystal it is, disappearing at a touch; but I remember, when I was a schoolboy, hearing read a certain composition called "The Captive Locomotive"—a locomotive mastered by the pretty white snowflakes. If harm is done, it is not one sheep that does it, but the millions. Two years ago, there were on record for taxation probably more than a million sheep in the one Sierra Reserve of California; and, in addition, there were the unrecorded thousands owned by roving Basque, French, and Portuguese herders.

The questions here arise: Is any harm done by the sheep? If so, what is the harm?

The answer is that the primary object in establishing the United States forest reserves was to conserve the water supply. It is upon the water supply from the mountains that the life of the valleys and lowlands depends. As vegetation is the chief means toward the conservation of the water, vegetation of every sort must be protected in every possible way. Vegetation exerts this influence for several reasons:

(1) When the light rains and the dews come, every trunk, sucker, stem, shoot, and blade, wherever found, acts as a leader to guide the drops down through the surface strata to the cool and hidden places of the precious mountain streams below.

(2) When the snows melt, and the heavier rains fall in torrents, it may be, every growing thing is a worker with trunk and roots, according to its strength, to hold back the rush of water that else would gully the mountain sides, and in time wash them bare.

(3) Fallen leaves, twigs, and the entire loose débris of the woods would all serve as a natural and greatly needed mulch to the soil for the danger time of the long summer droughts.

(4) The crowns of the trees and bushes and the grasses are curtains and screens over the damp ground, to shield it from the drying power of the sun, and from the equal or greater power of the winds.

It is in ways like these that the vegetation of the mountain conserves, directly or indirectly, the water supply upon which the life of the lowlands depends. No wonder that the toilers in those lowlands are sensitive in the extreme to anything that directly or indirectly, evidently or supposedly, endangers that supply. And now, as I have said, come by the million the sheep to do this very harm, so it is

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claimed. And verily the list of charges against the sheep and their herders is a long one. And the complainants are not of one class merely. They are cattlemen, small ranchers, orchardists, electricians, hunters, tourists, and campers — well-nigh everybody but sheepmen and their clients.

The charges against the sheep, whether true or false, are, in detail, such as these:

(1) The sheep, it is claimed, eat and tread a country bare. Mr. Muir's experience with his mule was by no means exceptional. A sheep is not as ravenous as a goat, but is a good second. Sheep will eat even young pines. This is sometimes vehemently denied, but they will. A mountaineer once said to me: "They say sheep won't eat pines, but I've seen 'em do it. I've seen 'em so eager they'd stand on their hind legs and reach for the branches." Again, a mountain ranchman said to me: "Thousands of sheep used to pass my place every year. I've seen them come in the spring when there was a growth of young pine a few inches high and just rush to eat it."

At a Farmers' Institute, one evening, I asked the audience to offer evidence, if they could, either way, on the question. A gentleman rose and said that where he had lived in the North he knew it to be a common resource, when sheep were caught in the snow, to cut pine branches as feed to tide them over till they could escape.

It is not claimed that sheep prefer a diet of pine needles, or that they will thrive on it; but when hungry they will take it; and sheep in the mountains often are very hungry. Moreover, and probably worse, what a band of sheep may not care to eat it will trample to death. It is a common saying that "sheep kill more than they eat." Often they will kill more with their hoofs than with their mouths.

A letter from an old sheepman of the southern Sierras tells of a spring, long ago, when he took his sheep to the ranges. He writes:

"I have had experience in the mountains for over twenty years. In 1884 I took my sheep in near some meadows. All around the meadows, that spring, millions of little pine trees from three to eight inches high had sprung up. But when the sheep left the mountains, about the 20th of September, there was not a young tree left. Their sharp hoofs had cut them all off. A horse rake could have raked up stacks of the little dead trees."

One Sunday I was waiting over at a country tavern. A ranchman of the neighborhood, who proved interesting, lounged up and occupied an end of my bench. He said to me:

"Twenty-two years ago my brother came in on these mountains, and the country was all sheeped off, not a young tree growing. The sheep ate and tramped.

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Seed would lie till spring, then just as it sprouted and got about an inch high, along came the sheep and tramped it to death. Nothing had a chance. My brother got some hogs, bucked against the sheepmen, and kept 'em out; and now the trees are up so thick you can't drive through 'em. Some are one and a half foot through."

One day I overheard this, in substance: "It ain't fair. Cattle are let on the reserves; why not sheep? A steer 's heavier 'n a sheep, and its hoofs is bigger 'n a sheep's. If you 're goin' to shut out the herder, shut out the cattleman, too. I say it's class legislation."

The reply was: "No such thing. You 're all off. Bigness is n't the question. The point is, a steer's hoof is n't a chisel, and a sheep's is."

The last man was right. If the sheep would scatter in feeding, as cattle and horses do, it would be another matter; less harm would result. But that is not their way. They go in close bands. One will see two thousand sheep moving in a compact mass across a meadow. That means a live cutting machine made up of eight thousand closely placed double chisels, each chisel driven home at every stroke by some hundred pounds weight of live mutton, and with the strokes falling so thickly that not an inch of the ground escapes. No small growth can possibly resist a combined mowing and cutting and pounding like that. Nothing is left alive when the machine has passed. If sheep should eat off the year's growth only, one might claim that they had as good a right to it as any other animal. But they do more; they kill as they go, roots and all. There is no chance whatever of reforesting a sheep-infected range. The seedlings can get no start. In many places the native grasses even are killed out.

(2) But the eating and chiseling do not represent all the harm that is laid to the sheep. Aside from the cutting and killing of living things by this eight thousand footed, machine-like band of sheep, what would one imagine its effect to be on the ground itself? The sheep are a plough to the soil when it is dry. When it is clayey and moist the effect is the opposite, the same as that sometimes produced, on a small scale, in farm economy, when the farmer, having thrown up an embankment for a proposed reservoir, turns in a band of sheep and herds them there until they have tramped the clay floor into a waterproof, stone-like cement.

Whether the sheep in the reserve plough the soil into dust or stamp it into rock-like cement the natural conditions are changed. Now, what must follow when presently the rains fall or a hot day touches the snowdrifts? The blessed water comes, but what can it do? It cannot sink where it falls, drop by drop, into mulched and root-

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bound mellow soil. There is no longer any soil in that condition. It cannot sink into the ground. It must run; it can do nothing else; and we all know what running water does. In its rush the mountains are gullied; great trees are undermined; it overlays the meadows with sand; it fills the rivers and reservoirs below with debris. Worst of all it is itself lost; it foams away, useless, to the ocean, instead of staying back in the mountains, and making a great sponge of them, till needed in the terrible summer time for the saving of the homes and the people in the plains below. Not that the sheep are the only agent in bringing about such results. Fire also is such an agent; but the sheep and the fire are allies. I shall speak of the latter a little later on.

Old mountaineers will show many a place where just such things as I have described have happened, in their time, from no other cause, it is claimed, but the coming and going of the sheep. One day I stopped to noon at a cabin larger and more comfortable than the average. The old man whose home it was said to me: "I came here thirty-seven years ago. Thinking of what the country was then, it is now like having come out of heaven into purgatory, to live here, for the sheep." The Government had been guarding the region for a year; but it will be many a long year before the country can be what it was when the old man was young.

(3) There is another wholly distinct and different charge. Indirectly, it is claimed, the sheep are responsible for forest fires.

Poor things, what is not charged against them? Yet it is true. One hears it on all sides. A sheepman, out of the business now, told me how, as he rode under the great firs, he would reach up from his horse and touch a match to the low-hanging branches, simply to see the mighty rush of fire and smoke and sparks skyward. What did he care for the king he had slain, or for the other kings that might go down, file after file, before the fire he had kindled? Moreover, the greater the fire the better for him, since there would be thus the more space for sheep feed.

I recall Mr. Muir's indignation as he pictured an ignorant, alien herder kindling a fire for his supper against the base of a tree that pilgrims might well come from the ends of the earth to view. Sheepmen are careless with their signal fires; they are careless with their camp fires; they build fires carelessly for protection against wild animals; they start fires, purposely, in the fall, to clear the ground for a better spring growth of feed. So reads the charge,

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and those who make it are a multitude. This much is certain, however, that if in their handling of fires the herders were no more careless or indifferent than are the many campers, hunters, and tourists who traverse the reserves, they still would be a far greater source of danger, because the campers, hunters, and tourists can be easily warned and watched by the forest patrol, while the sheepmen cannot be so watched and warned. The former for the most part follow a few readily guarded routes. The latter wander anywhere, everywhere, at will.

Just here, while referring to fires, I shall call attention to one plausible defense of the sheepmen. They say: "Our sheep, by their trampling and eating, and we, by our occasional burning, prevent an over-rank growth of brush and young trees which otherwise would spring up so thickly as to furnish such an abundance of fuel that when the fires came nothing could live before their fury."

The answer to this has two sides. While the sheep do, in herds, keep down the young growth which by its thickness might furnish fuel for possible future fires, they also keep down the young growth upon which, as the old trees die off, the continuance of the forest depends, and through which alone the reforestration of the great stretches of the now denuded land can be effected. Furthermore, supposing the danger, as claimed, from over-dense growth did exist, it would be unscientific and impractical in the extreme to try to guard against it by the help of ignorant herders rather than by the systematic employment of a sufficient force of trained forest rangers. In substance, the present policy of the Government, as regards fires, is to run trails, to cut and burn fire-breaks, to fire and back-fire at the proper season and in needed localities, and then, in the fall, after the first rain and before the snow, gradually burn away the accumulation of logs, dead trees, and smaller rubbish, *i. e.*, the entire mass of forest debris. Something of this kind has been already accomplished. With increased appropriations much more could be hoped for in the near future.

(4) But again, and for a still different reason, the wrath of the people waxes warm against the sheep. This time it is not the welfare of the forests or the orchards, but the welfare of themselves, of which they are thinking. Many of the towns which border on the forest reserves are directly dependent upon the streams of those reserves for their household water supply. The water is sometimes received in reservoirs, and thence distributed through open canals,

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ditches, and pipes; sometimes it is diverted immediately from the stream itself. Where sheep exist, this water cannot fail to be contaminated. Before the rule against the sheep was enforced, the health officer, in one town that I have in mind, reported, morning after morning, dead sheep found in the ditches. On one morning that I recall the number was eight. In another town the flow of water, when the faucets were turned, would be accompanied by the droppings of sheep. I have sometimes asked a settler or a camper by a stream far up in the mountains, "Do you drink this water?" And the answer would be, "No; the sheep are above."

And so it is that on every count the verdict is against the sheep. Is it any wonder that nearly all who know the facts are against them? Is it any wonder that the United States Government has finally taken vigorous action, or that its policy in excluding sheep absolutely from the reserves in the dry and middle belts, and either absolutely or partially in all the other reserves, is deemed a wise policy? Naturally, herders who have used the pasturage unhindered for years are disturbed. It matters nothing to them what the outcome in the future would be, whether the result, here as in other lands, would be desolation and death. Merchants dependent on the trade of the sheepmen also complain. One of them said to me: "Excluding the sheep means to me a loss in trade of two thousand dollars a year." Another said: "I should never have bought this place if I had known that the sheep were to be stopped from passing." In one case a small community was so seriously threatened financially that the State legislature was petitioned to intervene. The complaint was that without the tax per head levied on alien sheep the poor and tiny county — perhaps the poorest and smallest in all the States — would not have a sufficient income for its official life, and would immediately become bankrupt.

But the majority, in the sheep districts even, are with the Government. I asked a congressman for his opinion, and I was surprised at the promptness with which he replied: "Without doubt, the majority are with the Government for the exclusion of the sheep." And, what is more, it is encouraging to know that the people are with the Government not only in this one detail of its dealing with the sheep, but that they are with it heartily in its whole broad policy of advance in the forestry work of its great reserves.

CHARLES STEDMAN NEWHALL.

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THE STATUS OF PORTO RICANS IN OUR POLITY.

THE unsettled condition of judicial and public opinion in this country regarding the status in our national polity of the inhabitants of Porto Rico and other annexed islands makes an apology for a new presentation of the case quite unnecessary. The subject may be most conveniently discussed under two separate, but correlated, heads: (1) Are the Porto Ricans American citizens? and (2) Are the Porto Ricans qualified to vote?

1. The basis of all arguments as to whether or not the Porto Ricans are American citizens must be, of course, the treaty of peace with Spain. Article IX thereof provides as follows:

> "Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property. . . . In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it [their Spanish allegiance] and to have adopted the nationality of the territory in which they may reside.
>
> "The civil and political status of the native inhabitants of the territories hereby ceded shall be determined by the Congress."

The most common view of the subject of the citizenship of the Porto Ricans is that which relegates their status to Congress. The treaty expressly provides for the determination of the question by that body, while the Constitution makes treaties "the highest law of the land," and gives Congress power to make all needful regulations applicable to the "territory or other property of the United States." Such is the ratiocination by which this conclusion is reached.

This, however, is a superficial method of reasoning, leaving out of account many things which must be considered — the law of nations, for instance. According to this law, a transfer of the allegiance of the inhabitants of ceded territory is implied by a change of sovereignty. If war should break out between the United States and another country, the Government of the latter would be justified in the treatment of Porto Ricans as enemies, and of the ports of the islanders as hostile

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ports; the ships and other property of Porto Ricans on the high seas would be enemy's property and subject to belligerent seizure; the islanders could look to no authority other than the Government of the United States for protection from injuries threatened or for the redress of grievances endured in foreign lands; and the United States alone could supply them with passports. From the viewpoint of international law, the inhabitants of Porto Rico became Americans the moment the treaty with Spain was ratified.

This effect of the ratification was foreseen by the high contracting parties; and provision was made in the treaty to enable Spanish born residents of the ceded territories to escape the legal consequences of the cessions thereof and to preserve to them their previous status of Spanish subjects. Conversely, the provision of the treaty that those Spaniards who should fail to avail themselves of the means of preserving their allegiance to Spain would be held to have renounced it and to have adopted the nationality of their new sovereign is merely declaratory of the law of nations.

The effect of the change of sovereignty would have been the same if nothing had been said on this point. The last clause of Article IX of the treaty, which assumes to give Congress power to fix the status of the native inhabitants of the ceded territories, is mere verbiage. Congress can neither denationalize these people, nor make them into anything but Americans, except by the abandonment of the islands or their cession to some other Power. So long as this Government shall maintain its sovereignty over the islands, the inhabitants thereof will remain Americans; and, since the United States can have no subjects, they must be citizens. Granting that Congress may make "all needful rules and regulations respecting the territory or other property of the United States," the inhabitants of Porto Rico are not "property," although the island on which they dwell may be so. The clause of the Constitution just quoted conveys no authority to differentiate between Americans living on one of the Antilles and Americans living on the continent.

Supposing that Congress should do nothing either to denationalize the Porto Ricans or to confirm them in the status of American citizens — a very likely contingency — would anybody maintain that their nationality would remain in the air? Spain having renounced them, of what country can they be deemed to be nationals if not of the United States? To say that they are citizens of Porto Rico is a subterfuge. Porto Rico is not a nation. It has no flag, or any of

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the attributes of sovereignty. If the Porto Ricans should resist the authority, or declare themselves independent, of the United States, they would become rebels. The law of nations does not recognize men without a country. Indeed, pirates and others of that ilk are regarded as common enemies of mankind, subject to pursuit and judgment by the agents, military and judicial, of all organized polities. The Porto Ricans certainly do not belong to this category. As has been said above, they would share all the international vicissitudes of Americans in times of war, and they are entitled to all the international rights of American citizens in times of peace. From the viewpoint of international law they are Americans, and in equity they are citizens of the United States; and Congress cannot deprive them of their status or abridge their legal and natural rights.

2. The question as to whether or not the Porto Ricans are qualified to vote is one of administrative rather than of substantive law. In some of the States admission to citizenship is not a prerequisite to the exercise of the elective franchise. Where domiciliation is the only qualification of voters, persons born in Porto Rico would, of course, have the same right to vote as other native or foreign-born residents. In by far the greater number of the States, however, the privilege of voting is reserved to the citizens. But citizenship alone does not qualify one for the electorate in all cases; many citizens being disfranchised because of their sex or the lack of the educational or property qualifications required by the laws of the locality in which they live. Furthermore, a distinction must be made between the status of a person from the viewpoint of international law and that of the same individual under the municipal law of his country.

Article XIV of the Constitution states the law of the land on the subject of citizenship as follows:

> "All persons born or naturalized in the United States . . . are citizens of the United States and of the State wherein they reside."

In Article I, section 2, clause 4, Congress is empowered to "establish an uniform rule of naturalization."

The Porto Ricans who were born prior to the annexation cannot, of course, make claim to citizenship on account of their nativity. But neither are they in a position to comply with the requirements of the naturalization laws. They cannot forswear their allegiance to the Spanish Crown, for they owe none: they were forcibly torn from their fealty to the boy King, who was their sovereign. An oath of

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abjuration on their part would be a superfluous formality, and, by implication, a denial of the sovereignty asserted over them by the United States. This would be disloyal, and it would be strange, indeed, if this country should compel a Porto Rican seeking citizenship to commit an act of disloyalty as the first step toward his initiation.

The second provision of the law for the naturalization of foreigners is that the aspirant must declare his intention to become a citizen. A native of Porto Rico, however, could express no intention on this point. We gave him no choice, but, willy nilly, forced him into our jurisdiction. He could not take this oath for the same reason that he could not abjure his non-existing allegiance to Spain.

The third requirement for the naturalization of a foreigner is five years' residence in the country of his adoption. The object of this enactment is merely to establish a period of probation for the aspirant to citizenship; but to put people to the proof after we have thrust them neck and crop into our brotherhood, and without so much as a "by your leave," would be absurd as well as contradictory.

In any event, the Porto Ricans having been made Americans by an exercise of sovereign power, their volition in the matter counts for nothing. The naturalization laws of the United States clearly do not fit the case of the Porto Ricans; nor is any scheme conceivable which would assume to provide for the naturalization by a court, or other inferior authority, of persons who have been already Americanized by the supreme law of the land. They became American citizens by the same process as did the inhabitants of Florida, California, Texas, and other territory conquered by or ceded to us.

Nevertheless, citizens of Porto Rican nativity desiring to vote in the United States might without impropriety be required to legitimatize themselves. Indeed, there are several classes of persons whom the law declares to be citizens without obliging them to go through the preliminary stages of naturalization required of immigrant foreigners; and yet these lawful citizens must produce certificates of citizenship when offering to register their names on the voting lists or to deposit their ballots at elections. The reason is that their citizenship is partly a question of fact and partly one of law, determinable only by a judicial tribunal. Election boards, being purely ministerial and having no judicial powers, cannot decide questions of this character.

Therefore, Justice Freedman, of the New York Supreme Court, properly denied a recent application for a mandamus to compel a Board

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of Registry in New York city to place the name of a resident citizen of Porto Rican birth on the list of voters. To have ordered the Board to do so would have been to require it to commit an unlawful act. The justice, in his opinion, however, intimated that a Porto Rican would have to become naturalized like any other person of foreign birth, and that, since existing laws do not provide for their case, natives of the island could not be naturalized until remedial acts in their favor should have been enacted. This, however, was not relevant to the point decided; and the justice would probably modify his opinion if the question of the nationality of the Porto Ricans should be squarely presented in an application for a certificate of citizenship by a person of Porto Rican birth.

If the dictum of the justice correctly states the law, then Congress, by simply failing to enact a remedial measure, could permanently deprive Americans of Porto Rican origin of one of the most valuable privileges of citizens, the right to elect their temporary rulers. Congress is empowered by the Constitution to make uniform naturalization laws; but if it fail to make regulations governing the cases of persons legally entitled to citizenship, the State Legislatures or the courts may supply the omission. This has been done by the courts in applications for certificates of citizenship by Americans born of American parents in foreign lands. Legally, such persons are Americans; and, while the Federal naturalization laws make no provision for their case, this has not hindered judges from declaring them citizens, and issuing to such foreign-born Americans proper certificates of citizenship on due proof of the facts. A similar exercise of the equitable powers of the courts would be justifiable and proper in the parallel case of Americans of Porto Rican nativity.

To conclude, it may be asserted as an unassailable legal proposition that, in the absence of any rule of procedure established by Congress, a native of Porto Rico, upon proving by competent witnesses his place of nativity and that since the annexation of the island he has been loyal to the United States, that he has not abjured the allegiance forced upon him, and has committed no act that would involve a forfeiture or abridgment of his political rights, would be entitled to a certificate such as election officers would be bound to accept as proof of his citizenship.

STEPHEN PFEIL.

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THE MONROE DOCTRINE AND THE HAY-PAUNCEFOTE TREATY.

It was well said by Bacon that men's thoughts are much according to their inclination. People will generally believe what they wish to believe, and never will know what they have not a mind to know. Hence it is that many will not stop to ask the meaning of the Monroe doctrine, but will readily adopt an interpretation which accords with their own desires. The prudent statesman finds in it a conservative policy; the jingo finds an excuse for aggression against his neighbor. Those who advocate the neutralization of the Nicaragua Canal see in the Monroe doctrine the authority for their attitude, while the opponents of neutralization appeal to the same doctrine for the justification of their opposition.

The question of the relation of the Monroe doctrine to the neutralization of the Canal is of long standing. Neutralization was the great principle of the Clayton-Bulwer treaty, and that convention was immediately attacked as a violation of the doctrine, but was ably defended. It was upheld and has withstood the crafts and assaults of its enemies down to the present time. It is now proposed to modify the Clayton-Bulwer treaty, so as to allow the United States to construct the Canal; but the important stipulation of the old agreement, the time-honored principle of neutralization, is to be retained.[1] This has been arranged by Mr. Hay and Lord Pauncefote in a new convention, which is but the amplification of the Clayton-Bulwer treaty — the natural fruit of the old seed. It is, as Dr. Johnson would say, "the old dog in a new doublet," and, I may add, a doublet of better cut.

Once again the opponents of neutralization are on their feet, protesting that the treaty is contrary to the Monroe doctrine. The reasons which induced attacks upon the Clayton-Bulwer treaty now

[1] This article was written before the adoption of the Davis amendment, and, consequently, all references to the treaty should be understood as relating to the original convention in the form in which it was signed by Mr. Hay and Lord Pauncefote.

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lead to attacks upon the Hay-Pauncefote convention. One of the most insidious of these attempts is the Davis amendment, which absolutely destroys the principle of neutralization. The opponents of neutralization think it improper that any European Powers should enter into an agreement with the United States in regard to the Nicaragua Canal. It would seem to them heroic for this Government to stand at the Canal, sword in hand, and defy the nations of the earth to attack it, whereas a simple agreement with the Powers to refrain from attacking the Canal is a tame proceeding and devoid of interest to them. Being asked to give a reason for their attitude, "they would fain make us believe they found it in Antiquity," and appeal to the Monroe doctrine.

When during the Chartist agitation in England some workingmen waited on John Stuart Mill to express their sympathy with what they were pleased to call the "Revolution," that philosopher cast a chill upon their enthusiasm by bidding them ask themselves which revolution, what revolution, and why they sympathized with it. A little self-catechising contributes much to a clear understanding of a matter; and, perhaps, if the opponents of the Hay-Pauncefote convention should diligently inquire of themselves what the Monroe doctrine is, and why it forbids neutralization of the Canal, they would find it difficult to give a satisfactory answer.

The Monroe doctrine is a wise rule of conduct, founded upon the law of self-preservation, which is one of the fundamental laws of nations. "It is folly," says Thomas Fuller, "to do as country fellows in a fence-school, never ward a blow till it be past; but it is best to be beforehand with the enemy lest the medicine come too late for the malady." Good counsel, indeed, and the very foundation and spirit of the Monroe doctrine. That doctrine was a preventive measure designed to ward a thrust from the Holy Alliance, which seemed to threaten our political existence. Mr. Monroe and his advisers saw the danger afar off and took measures to avert it. They not only turned aside the threatening peril, but, actuated by the law of self-preservation, they put forth a general principle for the future guidance of this Government.

The Monroe doctrine consists of two parts, and, briefly stated, was designed: (1) To prevent European powers — particularly a combination of European powers — from intervening in the affairs of the Western Hemisphere, so as to control the destinies of the American nations; and (2) to prevent the European powers from acquiring any

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new colonial possessions on this side of the Atlantic. I am aware that I may be criticised for endeavoring to state in two short sentences that doctrine, which for the past seventy-five years has caused so many disputes, and which has received so many and such diverse interpretations; therefore, I shall humbly imitate Lyttleton in the famous epilogue to his book on law, and will say that I do not pretend to affirm that what I have written above is the Monroe doctrine, but that what I have written will enable the student to understand that doctrine when some one shall explain it to him. If the reader wish to hear some one expound the doctrine I shall refer him not only to the message[1] itself, in which Monroe set forth his guiding principle, but I shall refer him also to the correspondence which he had with Jefferson on the subject, and in which the latter said:

"This sets our compass, and points the course which we are to steer through the ocean of time. . . . Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to intermeddle with Cis-Atlantic affairs."

I shall refer him furthermore to the version of the doctrine put forth by one of its most ardent defenders among the statesmen of this country, the Hon. Lewis Cass, who gave this interpretation of the doctrine:

"First. That it is impossible for the Allied Powers to extend their political system to any part of America, without endangering our peace and happiness, and equally impossible, therefore, that we should behold such interference with indifference. Second. That the occasion had been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they had assumed and maintained, were henceforth not to be considered as subjects for future colonization by any European Power."[2]

It is maintained by certain persons that this principle of American diplomacy forbids the United States to enter into agreements with the nations of Europe for the neutralization of the Isthmian Canal, and that, therefore, the Clayton-Bulwer treaty and its off-

[1] We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power we have not interfered, and shall not interfere. But with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition toward the United States.—Monroe's seventh annual Message, Dec. 2, 1823.

[2] Speech in the Senate, January 28, 1856.

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spring, the Hay-Pauncefote convention, are contrary to the Monroe doctrine. True neutralization can be obtained only by general agreement between the great Powers as provided for in these treaties; yet it is objected that such an agreement would constitute an intervention in American affairs by European Governments, and would be, consequently, a breach of the Monroe doctrine.

This line of argument is ingenious, but it seems to be a play upon words rather than a valid reason. The authors of the Monroe doctrine would have been glad if that doctrine had met with universal approval, and no doubt they would have been more than glad if the nations of Europe had been willing to bind themselves by treaty to comply with that principle. Yet, had this been the case, it might have been urged, with a deceptive appearance of logic, that inasmuch as it was a treaty of European powers affecting American interests, it was prohibited by the Monroe doctrine. To say that an agreement to observe the Monroe doctrine is contrary to the Monroe doctrine is the *reductio ad absurdum*. Such confirmation of the general doctrine by the Powers is, of course, out of the question; but it is probable that they would be willing to agree to the neutralization of the Canal. In neutralization we should have an agreement of the nations of Europe that they would not meddle with the Canal route, and that, consequently, so much of America, at any rate, should be free from hostile attacks as well as from insidious designs of European Governments. Neutralization would be, therefore, an agreement by the Powers to observe the Monroe doctrine in regard to that part of America.

Dr. Wharton, the celebrated editor of the "Digest of International Law," says:

> "An agreement that no Powers whatever should be permitted to invade the neutrality of an Isthmian route, but that it should be absolutely neutralized so as to protect it from all foreign assailants by whom its freedom should be imperilled, is an application, not a contravention, of the Monroe doctrine. Such an agreement is not an approval of, but an exclusion of, foreign interposition." [1]

The Hay-Pauncefote treaty provides for neutralization; and in so doing it carries out the great principle of its predecessor, the Clayton-Bulwer treaty. The principle of neutralization which has caused Senators to attack the new agreement is the same principle which caused former Senators to attack the old agreement; and the principle of neutralization which now brings many able statesmen to

[1] "Digest of International Law," Vol. II, p. 243.

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the support of the Hay-Pauncefote convention is the same principle which brought so many of the sages of the past to the support of the Clayton-Bulwer treaty.

In a multitude of counsellors there is much wisdom. I shall, therefore, refer the reader to the opinions of men who have guided the foreign policy of our State, such men as Clay, Webster, Marcy, Clayton, Cass, Seward, Bayard, and Hay. The historic attitude of the United States toward neutralization is in itself a sufficient proof that the statesmen of this country have not considered such a policy contrary to the Monroe doctrine. I have dealt more at length elsewhere with the historic aspect of the case; but before I close I shall quote the words of a few great Americans as an indication of the manner in which the subject of the Monroe doctrine and neutralization has been viewed by our leading men. Be it remembered that the arguments which they used to show the consistency of the Monroe doctrine and the Clayton-Bulwer treaty apply with equal force to the Monroe doctrine and the Hay-Pauncefote treaty; for in both cases the stumbling block has been the principle of neutralization.

First we shall hear the opinion of the Hon. Lewis Cass, a man who would not lightly give up the interests of his country to any foreign Power — especially not to Great Britain, for, according to Lord Brougham, he was "the very impersonation of mob hostility to England":

"One motive with some of us — perhaps with many of us — in the Senate, for supporting the Clayton-Bulwer treaty was that, if carried out in good faith, it would peaceably do the work of the Monroe doctrine and free an important part of our continent from European interference." [1]

If this be thought an insufficient indication of Mr. Cass's views, I shall ask attention to his words uttered at a later date:

"And why," said he, "did I estimate so highly the projected arrangement? Because it contemplated the removal of British power and influence from Central America, and I considered that measure, both in its present and future aspects, a great political object, most desirable to be peacefully obtained." [2]

Then, after expressing his regret that Congress had never been willing to embody the Monroe doctrine in a Resolution, and his desire that such a resolution should be passed, he added:

"For myself, if I cannot get the Monroe doctrine, I will get the next best thing I can. I will seek to procure by conventional arrangements the exclusion of

[1] Speech in Senate, January 28, 1856.
[2] Speech in Senate, January 11, 1857.

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European influence from this hemisphere, step by step, if necessary, and, in seeking to effect this object, there are peculiar reasons which render it highly desirable to free all Central America from impending transatlantic intrigues."

Evidently Mr. Cass regarded the Clayton-Bulwer treaty, with its principle of neutralization, as a fulfilment of the Monroe doctrine.

Let us now hear Mr. Bell, of Tennessee. It had been said in debate that the Clayton-Bulwer treaty was contrary to the Monroe doctrine; but Mr. Bell thus objected to such an interpretation:

"It is a misnomer to call the doctrine now set up, the Monroe doctrine. It would be more descriptive and correct to call it the doctrine of progressive absorption, annexation and conquest. . . . The Clayton and Bulwer treaty was founded in the true spirit of the original Monroe doctrine." [1]

Mr. Seward has thus expressed his views on neutralization:

"It is a great treaty; sublime in conception, generous in spirit, and beneficent in its purpose." . . .

"They met on that important strait, not to contend together for dominion over it, nor yet to combine together to seize and divide an exclusive dominion there, but to make it free to each other, and equally free to all mankind." . . .

"Higher than the fame of Agincourt, of Saratoga, of Waterloo or Buena Vista shall be the glory of that conjunction of Great Britain and America on the heights that command the repose of the world." . . .

"Better for the pride of each that the white cliffs that garrison the coast of England sink into a black and pestilential morass, and that Niagara lose forever its deep-toned voice, and ooze through a vulgar channel to the sea, than that the great and sonorous concord thus established between them be rudely broken. I counsel you, Senators and statesmen of the United States, by all the motives that are born in the love of such a land as ours in such an age as this . . . to preserve and maintain at all costs and hazards, and through all discontents and jealousies, this great treaty. Let this political rainbow stand stretching from the skies downwards on either side to the horizon, a pledge that the nations shall not again be overwhelmed by any after-coming deluge of human passions."

To use the words of Shakespeare, the Monroe doctrine is "a comfortable doctrine and much may be said of it"; but I hope enough has been said already to show that it does not prohibit the neutralization of the Nicaragua Canal. JAMES GUSTAVUS WHITELEY.

[1] Speech in Senate, February 26, 1856.

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SHOULD WOMAN'S EDUCATION DIFFER FROM MAN'S.

I WISH to say six things, or to say one thing six times, or in six ways. I wish to write respecting (1) the conditions of education; (2) the methods of education; (3) the forces of education; (4) the subject to be educated; (5) the aim of education, and (6) the content of education.

Of course, the *fundamental conditions of education* are simply time and space. If time is not an agent, it is certainly a condition. If it does no work itself, all work is done in time. The time of education should be, I believe, the same for men and for women; and this same time should be as long as purse will buy and individual will allow. The desire to shorten the college course has not touched the college woman. The desire for a shorter college course has not touched the college man so generally or so deeply as may be commonly believed. It has touched the college man who proposes to devote himself to the profession either of law or of medicine, and in particular the one who proposes to become a physician; for the man proposing to become a physician finds that it is necessary to work seven or eight years for the best professional preparation for his career. But the college woman would rather lengthen than shorten the college course. The saddest day of all the days of her college years is the day of her graduation. For both men and women, therefore, the college course should be of equal length; and the length should be, as I have said, as long as purse can buy or the will, under the influence of life's persuasive motives, allow.

In point, too, of space, no variation need be suggested. The advantages of the urban location — intimate relationships with humanity and with its mighty undertakings and a training in what is significantly known as urbanity; the disadvantages of an urban location — the difficulty of being alone and the difficulty of the elimination from the personal equation of all distracting and needless factors; the advantages of the rural location — the closeness to Nature's heart, and the tendency toward simplicity of relationships; the dis-

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advantages of a rural location — aloneness becoming loneliness, and the tendency toward what is significantly called rusticity; the advantages of the sub-urban location — the union of town and field, of man and nature; the disadvantages of a sub-urban location — the having of half town and half field, and not a unit of either: these advantages and disadvantages are the same for the college woman and the college man. Therefore, in respect to the conditions of education, the two *principia individuationis* of time and of space, the education of women need not differ from that of men.

And yet, I should say that, in respect to the value of time and space, men and women show a certain degree of difference. Women are more sensitive to what conditions them in space, and men are more sensitive to what conditions them in time. Objects in space are more impressive to women, events in time to men. Men are more prompt in service, women more artistic in arrangement. But this difference is not sufficient to alter the main proposition.

In respect to the *methods of education*, I think there may be a similar conclusion. Methods may be interpreted in a great variety of ways, but I interpret them to refer to coëducation, to coördinate education, and to separate education. Each of these methods has advantages and each of them has disadvantages. Coëducation has the advantage of economy, and also of directness of preparation for certain women. Coëducation helps the woman who is to be obliged to earn her own living to become vigorous and aggressive. Coëducation has, in my opinion, though not in the opinion of everybody, the disadvantage of lessening man's instinctive respect for womanhood. It has also the disadvantage of making some women mannish.

Coördinate education possesses the advantage of the university association, and the disadvantage of expensiveness. Separate education has the advantage of solidarity, of individuality, and of simplicity of educational environment. It has the disadvantages, in the women's colleges, of whimsicalness, emotionalism, narrowness, and the difficulty of getting and of keeping the best teachers. In men's colleges it has the disadvantage of a certain unnaturalness and remoteness from human association. Each method, be it said, has its weaknesses and its strength. No method has any educational patent right. Each method is good or bad, better or worse, best or worst, according to the student to whom it is applied. Therefore, the methods of education do not indicate that there need be a difference in training.

More important than either conditions or methods are the *forces*

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of education. What are the forces of education? The forces of education are the force in education. What is the force in education? The force in education is the teacher. What is the teacher? The teacher is the instructor who builds, who builds the timber of knowledge into the house of character. The teacher is the professor who declares his beliefs and principles. The teacher is the pedagogue who leads the child into truth, and duty, and love. The teacher is the tutor who watches and guards the student. And what is the one supreme and superb thing in this man, under different names, which makes him what he ought to be? It is a large personality. A large personality in the teacher is what makes him at all worthy. One such teacher has just died — Professor C. C. Everett. In a personal letter, Professor George H. Palmer, of Harvard, says of him:

> "In him we had a man whom we loved as ardently as we respected. He informed his students, but he formed them too. A weighty and rounded personality was his, full of charm, of humor, of sagacity, of devoutness, of stimulus. One of our great teachers he was. The men who, while scientifically equipped, can stir their students are few. He was a person always, before and while he was a scholar."

The great teacher, the teacher of a great personality, is required to the same degree by men and women alike.

Recently I asked a freshman class of about a hundred and fifty members this question: "How many regular teachers did you have in your schools up to the time of the beginning of your freshman year in college?" The answers varied from ten to thirty, and the average was twenty-three. I also asked of them the question: "How many of these teachers have had over you an influence which you can now distinctly and consciously appreciate?" The number, in the answers, ran from six to zero. The average was about three. In other words, as these students now judge, about one teacher in seven had had an influence so distinct that they were now able to say that that influence was of any value at all. In asking the students, who could thus discriminate some influence, what was the element in their teachers that influenced them, the answer was, though expressed under various forms, "personality." "This teacher was kind to me;" "this teacher loved me;" "this teacher interested me in good reading;" "I admired this teacher for his intellectual power," but the one essential answer was "personality." Personality, first, last, and all the time, represents the supreme force of education.

The fourth thing that I wish to say relates to the *subject to be educated* — the woman, the man. One may write respecting what

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may be called the physical physiology of woman and of man in many relations. One cannot write of comparative mental physiology of men and of women. Psychology is at best a more or less unknown field. Comparative psychology is far less known. Practical psychology — experimental, laboratory psychology — is a new science. One must wait for its conclusions. *A priori* psychology, touching men and women, is not new, but it is almost as useless as it is ancient. We do not know what the normal intellectual power of the normal man is. We do not know what the normal intellectual power of the normal woman is. Much less, therefore, do we know the relations between the intellectual powers of these two personalities. There may be tremendous differences in the mental constitution of the two sexes. That there are differences is evident. But whether these differences are based upon sex, individuality, or some other element is a part of the problem awaiting solution. Lotze says:

> "It is hardly possible to distinguish the higher mental life of men and of women. . . . I do not believe that the intellectual capacity of the sexes differs, except in so far as the special emotional interests of each have prescribed the course of their intellectual life. There is, perhaps, no subject which woman's mind could not understand, but there are very many things in which woman could never learn to be interested."

One may say, indeed, that the principle of periodicity and that the emotional element play a larger part in the woman than in the man. One may say that women are finer persons than men; that they are in danger of making the personal equation larger, or in danger of viewing questions as the questions bear relation to themselves and not as the questions are in and of themselves. But these remarks are not fundamental. I only wish to say that we do not know enough about the intellect of women or about the intellect of men to say whether on the ground of sex the training should be the same or different. We do know somewhat of the intellect of different human beings, and we recognize certain differences in the training of those different beings; but in how far these are sexual, and in how far sex should enter into education, we do not know. Here the judge simply confesses ignorance and begs leave to take up the next point in the case.

The next, and fifth, point of the case relates to the *aim of education*. Each of us offers his own little contribution to this, the final cause of being. Permit me to say that these principles, I think, are supreme, comprehensive, and ultimate: (1) education is to make the thinker; (2) education is to make one appreciative; (3) education is to make one righteous. These three principles are not unlike the ones

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which Kant, in his little essay on education, suggests. Kant says (1) that through education man is to be subject to discipline; (2) through education man is to be made a man of culture; (3) education is to give a person discretion, by which word Kant means that through his education he is made able so to conduct himself in society that he may be liked and that he may gain influence; (4) moral training must form a part of education.

These points of Kant, and three to which I allude, the power of thinking, the power of appreciation, and the power of righteousness, are not essentially unlike the true, and the good, and the beautiful of the Greek. They are, too, not unlike what Huxley defines as a liberal education; for he says:

> "That man, I think, has had a liberal education who has been so trained in youth that his body is the ready servant of his will, and does with ease and pleasure all the work that, as a mechanism, it is capable of; whose intellect is a clear, cold, logic engine, with all its parts of equal strength, and in smooth working order; ready, like a steam engine, to be turned to any kind of work, and spin the gossamers as well as forge the anchors of the mind; whose mind is stored with a knowledge of the great and fundamental truths of Nature and of the laws of her operations; one who, no stunted ascetic, is full of life and fire, but whose passions are trained to come to heel by a vigorous will, the servant of a tender conscience; who has learned to love all beauty, whether of Nature or of art, to hate all vileness, and to respect others as himself.
>
> "Such an one, and no other, I conceive, has had a liberal education; for he is, as completely as a man can be, in harmony with Nature. He will make the best of her, and she of him. They will get on together rarely; she as his ever beneficent mother; he as her mouthpiece, her conscious self, her minister and interpreter."

Thought, appreciation, and righteousness represent the aim in education. The power to think! The power to see one thing, the power to see two things, and the power to put together these two things seen and from the putting together to get a third thing — to observe, to correlate, and to infer — that is the power to think. The power to think is intellectually supreme. It is, of course, far more than knowledge. I recently asked a gentleman who knows as much, perhaps, as any one in the world about the making of steel: "What is the great lack of the men who come to you asking for employment?" At once came the reply: "The power to think." "I can," he said, "get men who can take my ideas and work them out; but the man I am trying to find and cannot is the man who can give me ideas or who has worthy ideas himself and can execute them." Knowledge is valuable, but in education knowledge is valuable chiefly in making the thinker. The emphasis on knowledge is altogether too strong; the emphasis on thinking is altogether too weak.

Education is also appreciation. Appreciation is what I may call

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intellectual valuation. It is the sense of proportion. I have also in mind a certain emotional receptivity which is able to accept all conditions and make the most of those conditions. By appreciation I mean culture; I mean *humanitas;* I mean *paideia;* I mean all that goes to constitute, in a large sense, the æsthetic.

There is also a third element in education—the element of righteousness. It is the adjustment of the individual to the highest relations of being. This adjustment is what Niemeyer refers to when he says:

> "The principal task of education is to protect and strengthen early indications of goodness, so that every impulse shall gain power only as it harmonizes with the moral sense, and that the will shall be strong enough to subject the desires to the reason—to that faculty which judges of right and wrong."

Education, then, is represented in the three phrases: the power to think, to appreciate, and the element of righteousness. Now, are these elements of equal value for men and for women? Is it less, or more, or equally important for women to think as for men to think? Is it less, or more, or equally important for women to appreciate as for men to appreciate? Is it less, or more, or equally important for women to be righteous as for men to be righteous? We can discriminate somewhat. It is more important for man to think in affairs of state than for woman, for he moves more in affairs of state. It is more important for a woman to think in affairs domestic than for a man, for she moves more in affairs domestic. Are affairs domestic more or less important than affairs of commonwealth?

It is more important for a man to appreciate architecture and the large humanizing movements, for he has more to do with such conditions. It is more important for her to appreciate the fitnesses of the home, for she has more to do with its creation and ordering. Are architecture and large humanizing movements more or less important than the sanctities and the beauties of the home? It is more important for him to be honest in large buying and selling and to tell the truth in great concerns, for he buys more and his concerns are greater than hers. It is more important for her to be sweet and pure, for sweetness and purity are the atmosphere of the home. Which is more or less important, truth or purity? Ah! we might pursue the matter, but enough has been said to permit the inference that thought and appreciation and righteousness, as aims in education, are equally important for men and women.

And at last I reach the sixth thing that I wish to say: *the con-*

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tent of education, the course of study. Having come so far together, we cannot at the end be separated. Of the many things that I should like to say about the course of study, the one thing that I wish most to say is that the differences in different studies are of very small value, provided the student is interested in the studies which he pursues. Of course, we can make our discriminations, and say that language teaches interpretation, that literature gives culture, that mathematics gives logical orderliness, that science gives observation, analysis, and synthesis. We may say, or we may not say, with Lord Bacon, that "knowledge is a pyramid, whose base is history and experience. Upon these rests physics; on this, metaphysics. The summit of the pyramid is God's creative power." The chief principle and the prevailing rule is that the student will receive the most advantage from those studies in which he is the most interested. One may say, with Mathew Arnold, that literature is the great educative tool, or one may say, with Huxley, that science is the great educative tool. Each remark is equally true, and each is also equally false. Literature is an educative tool to one mind, but not at all to another mind. Science is an educative tool to one mind, but not at all to another mind. That study is precious which *finds* the student. That study is precious which is to him as a minister to his new birth. Different studies have different value for different persons. Therefore, one can say, and at once, that the woman, as a woman, should not take studies different from those that a man takes. One can also say that the man, as a man, should not take studies that are different from those that a woman takes. One can say at once, and firmly, that woman should take those studies which interest and move and form her. Man should take those studies which interest and move and form him. The studies should be different, not on the ground that the one is a man and the other a woman, but they should be different on the ground that each is an individual.

Both men and women, however, choose studies in the same fields. The most popular courses in the college for both men and women are the courses in history, English, economics, philosophy, and modern languages. Of course, the personal element enters into this choice. Some students choose instructors and not subjects — and there are advantages in this method — but when the personal element is eliminated from the equation, the humanities will be found the most popular topics, and also the best topics, for both men and women. This conclusion is not set aside by what Lotze says, that truth does not

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mean the same to men and to women. For women everything is true which fits into the system of things harmoniously. For men the true represents rather the real. Women's labors are artistic and intuitive, men's scientific.

The content of education, therefore, should be educative for both men and women, and not, to use the word which Edward Rowland Sill uses, "occupative." The occupative element too often displaces the educative. Let the educative prepare for the occupative. Let not the woman while in college be concerned much with her future occupation, whatever it may be. Let not the man while in college be concerned immediately, but only mediately, with his occupation. The first concern of each is education.

On this ground, therefore, I should like to say that in practice I should not like to have a woman select courses in domestic science, for usually these courses do not *find* her. Let not the college laboratory be turned into a kitchen. Also, I should say, let no college girl select the lighter courses of the curriculum, the merely cultural or social courses, for they do not usually *find* her. Let not the class room be turned into the parlor. I would not have the college man take courses in psychology on the ground that some time he may be a father. Do not turn the lecture room or the laboratory into a nursery. Let women and men be trained in those studies which train them to think, which will give them the power of appreciation, and make them righteous. When they are thoroughly trained to think, to appreciate, and to do right, and when, having these qualities, they are called upon to go into the kitchen, I am sure they will apply their power of thought to the solution of the problems of the kitchen. Let them be trained to think, to appreciate, and to be righteous, and when they are called upon to train children I am sure that they will bear to this training the same essential elements.

The best lawyer is the student who never goes near the courts or the office until he has finished his course of studies in both the college and the law school. To think, is the lawyer's first duty. He will learn the technique of procedure and practice easily enough when he is called upon to take up procedure and practice. The best business man is not the graduate of the business college, or the business course of the high school, but the graduate of the classical course; for to think is the duty of the business man, and the power to think is best trained by the classical course of the high school or college. The business man will learn easily enough all the details about

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business when its principles are mastered. Train the woman and the man to think, to appreciate, and to be righteous by such studies as will give the best training in thinking, appreciation, and righteousness. Train the man to think, to appreciate, and to do right by such studies as each believes will give him the best training in thinking, appreciation, and righteousness. Train the woman to think, to appreciate, and to do right by such studies as each believes will give her the best training in thinking, appreciation, and righteousness. Then send each out to do his work, to live his life.

Yet, in doing this work and in living this life, there is a certain difference to be noted. According to the conditions of society, man is a getting animal, woman a spending animal. Although it is said that 17 per cent of our employés are women, yet it is to be said that 83 per cent are still men. Man's mind is fixed on earning, and on earning the largest amount; woman's to distributing, and to distributing the wisest. Man makes the fortune, great, small, or moderate; woman uses it — and may use it up! On account of this condition man may be fittingly trained in executive and administrative service, and woman in the knowledge of human society and of social and sociological relationships; but for both, the exact training of the sciences and the interpretative and broadening training of the humanities are of special worth.

Like a piece of music returns our question upon itself: Should the higher education of women differ from that of men? In condition, in method, in force, in the subject to be educated, in aim, and in content, the education of women and of men may be exactly alike; for each is human. But in these six respects the education of each may be unlike; for each is an individual. But the two types should not be unlike in their education on the ground that the one type is applied to the woman and the other type applied to the man; but the two types should be unlike because each member of that great part of humanity which we call "man" is an individual, and because each member of that great part of humanity which we call "woman" is an individual. As an individual every woman should adjust her education to these two conditions or forces: (1) to her native power, and (2) to her future work; and every man, as an individual, should adjust his education to the very same two forces or conditions, his native power and his future work. On this basis, of course, the education of every individual should differ from the education of every other individual. CHARLES F. THWING.

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THE AMERICAN TRADE-UNIONS AND COMPULSORY ARBITRATION.

From the beginning of the era of the labor movement proper, when the associations of the working class were openly divested of all disguise and freely declared to be primarily industrial in character and scope, the strike has held the most conspicuous place among the phenomena developed by the relations between employer and employé. This is but natural, as the strike arrests the thought of the community in proportion as it arrests the progress of production, thus touching those chords in the system of daily life to which every society is immediately responsive.

But, above all considerations involving the purely material aspects of the case, there are the moral aspects, as manifested in the spectacle of suffering, of fortitude, rising not infrequently to the heroic, and, withal, of desperation, that so often characterize this species of warfare. It is the moral phase of the strike that has exercised the best thought of many countries, and has led to the intervention of leaders in other spheres of endeavor, to the end that open conflict may be avoided by recourse to methods more in keeping with reason, and, therefore, more conducive to fair adjustment, or, in any event, less destructive of the forces engaged.

Notwithstanding these efforts, the strike continues to be an ever-recurrent feature of industrial life, increasing in its power to affect the general comfort and safety with the increase of organization among the respective forces. The typical instance of such labor troubles is no longer a merely local affair, affecting at most a few hundred persons, and constituting no problem for public solution except that of maintaining law and order, to which requirement it is easily conformable, regardless of what miscarriage of justice may ensue from the summary interference of the authorities. Instead, the strike of the present day is more likely to assume the proportions of a national, or even an international, concern, in which the entire membership of one or more great labor organizations is pitted against

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a corresponding combination of employers. Commonly, in such cases, the transportation, mining, or other primary industry is for the time suspended, with the result that numberless tributary interests are dislocated, while the public at large is made party to the original cause of disturbance.

Now, it is clear that in such a state of things any attempt at suppression must always be attended by the danger of converting an industrial, or passive, conflict into actual civil war. Public acquiescence in the use of the civic or military forces for the suppression of strikers is, and in all probability will continue to be, conditional upon the violation of law by the latter. But it must be admitted by those who have intelligently observed the development of the labor movement that the tendency toward violence decreases with the increase of the numbers involved, by the very fact that a proportionate degree of discipline is implied in the growth of organization.

While in its essence, as an active protest against injustice, the strike retains its original characteristics, in its incidentals it is marked by decreasing individual hardship, and, consequently, by decreasing individual propensity to act in passion and blindness. Much of the suffering and much of the ignorance that distinguished the industrial conflicts of past times — the consequences of which are to be noted in those outbreaks of violence actuated by sheer anger and oblivious of the laws of cause and effect — are now obviated by the power of endurance afforded by ample relief funds and the confidence that results from a well-reasoned judgment of the conditions to be dealt with. In a word, the strike of to-day differs from that of the past in that it is an intellectual rather than a physical contest.

Under these circumstances, the use of force is unjustifiable by any theory of law, while, at the same time, it is precluded not only by every conception of justice, but also, and more effectually, by the patent danger ever attendant upon such method, that once invoked there may be no laying the power of arms short of a convulsion in which other issues may arise to obscure and entrap the final verdict. A body of men numbering, it may be, in the hundreds of thousands may quit work and by so doing may affect materially the interests of countless other persons; but so long as the right of personal liberty, of which the right to quit work is merely a concrete expression, is recognized as a principle of the social compact, no Governor or President can use the forces at his command in such manner as practically to abrogate that right without arousing a

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public temper which, although in some cases expending itself in verbal protest, is at all times pregnant with possibilities of much graver consequences.

Thus, both the extent and the conditions of the modern strike combine to form an issue in the study of which the profoundest minds have found their ingenuity at fault. That strikes recur, if not with increasing frequency, at least with increasing force; that the difficulties in the way of settling, that is, of suppressing, them increase in proportion to the numbers involved; that the public are becoming more and more involuntary sufferers, while their means of relief through existing agencies are as surely becoming futile and obsolete; that, in a word, the public intelligence and the public conscience stand accused and helpless, bound to a creed of industrialism, the tenets of which are fast being superseded by the facts of progress — such are the conditions that await solution at the hands of some Perseus of constructive statesmanship.

At the present moment, the attention of publicists and economists is focused upon compulsory arbitration as the most promising method of superseding the strike. As most commonly understood, the plan of compulsory arbitration contemplates the establishment of industrial courts having powers analogous to those of the ordinary tribunals of law, but with the essential difference that their decisions shall be non-appealable. Upon request of either party to a disagreement, the opposing party, although desirous of contesting the issue upon its own resources, may be forced into court under the usual penalties of default. Thus, compulsion is two-fold: it compels arbitration in the first instance, and it compels obedience to the findings of the arbitrators in the end.

In general, the conditions attending recourse to these industrial courts are:

1. Individual employés cannot invoke arbitration.
2. Employés can secure legal standing only through a trade-union. This, however, is a merely nominal stipulation, as a few men may organize for that purpose, irrespective of any previously existing organization among the greater number of employés in the same trade.
3. Trade-unions must be incorporated and registered for the purposes of the law.
4. The decisions of the arbitration courts are final and binding for specified periods, under penalty of fines upon the employés, collectively or individually.
5. No strike or lockout can be declared for the purpose of defeating a contemplated recourse to arbitration by either party.
6. When a strike or lockout occurs, the arbitration court may, at the request of either party and within a given time, order a return to work pending a formal trial of the dispute.
7. Employés cannot leave their unions during arbitration, or while a de-

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cision is in force, for the purpose of evading its terms, except upon giving three months' notice.

8. Employés may be discharged at any time for any reason other than that of defeating an award.

9. Rulings of the courts upon hours, wages, employment of trade-unionists, and other conditions of trade, although rendered at the instance of a single body, may be declared applicable to all employés within any given area.

10. Legal counsel is not allowable, except by consent of both parties.

11. The court of arbitration, at any time during the life of an award, reserves the right to adjudge obnoxious thereto any act of either party, although such act may not be expressly inhibited by the award, and may punish it by the usual proceedings of committal or attachment.

12. The awards of the courts cannot be set aside for any informality, or challenged, appealed against, reviewed, quashed, or called in question by any court of judicature on any account whatever.

13. The court of arbitration consists of three members, appointed by the Governor, one of whom shall be recommended by the employers and one by the employés, while the third shall be a Judge of the Supreme Court, who shall be the presiding officer.

Such are the salient features of the New Zealand Compulsory Arbitration Law, the model which is most generally referred to the consideration of American trade-unionists and legislators. It is claimed on behalf of this measure, which became law in 1895, that it has practically eliminated the strike from the industrial phenomena of that section of the antipodes; that its results have been uniformly favorable to the employé class; that it has minimized the evils of competition among employers; and that it has inaugurated a new régime in the relations between employer and employé, banishing distrust and discord, and inducing a recognition of mutual interest and a spirit of mutual confidence. To all of this the employers subscribe; and, although confessedly the losers in most of the cases decided, they join with their employés in acclaiming the Compulsory Arbitration Law the most beneficent enactment ever made in the field of economics.

It will be noted that the basis of this system is not the settlement, but the prevention, of the strike, the compulsory submission of grievances to arbitration, the award of which may be enforced by such penalties as the arbitrators may deem appropriate — specifically by fines, or generally by commitment for contempt. To the objection that this would, in event that the award were utterly repugnant to the employés, amount to involuntary servitude, the advocates of the New Zealand law reply that such contingency may be obviated by the refusal of the employés to organize and register under the act. In a word, to remain free the workers must remain unorganized. It thus appears that, tested by the right of personal liberty — the right to quit work — compulsory arbitration is inconsistent

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with and, in fact, fatal to trade-unionism. But the case presented is not one that relates merely to the question as to which of these fundamental rights shall be surrendered. The right to organize and the right to quit work are correlative. One of them cannot exist in practical force and effect without the other. Consequently, the establishment of compulsory arbitration would work a virtual negation of all the real liberties now possessed by the individual.

Possibly, this statement of the problem when presented to a mind trained to conceptions of a political state in which no account is taken of human liberty — in which the basis of government consists in the assumption by one class of proprietary rights in the labor of another and the recognition by the latter of the obligation of servitude — may seem somewhat irrelevant. To the working class accustomed to this view of men's relations, the right of personal liberty suggests nothing more than an abstraction, at best. Consequently, the preservation of that right, even where it exists in practice and by virtue of usage, cannot be expected to weigh against the advantages to be secured by any system which, in however small degree, lessens the burden of a lot otherwise without amelioration. Where no right of refusal to work is claimed by a people as inherent in the governmental system, there can be no sacrifice of principle, though there may be a serious misjudgment of policy in the adoption of compulsory arbitration. In such case the effect would be simply to give definite expression to an established theory of the relation between master and servant.

It is not without interest, if only as a deductive proof of the reasoning upon which alone compulsory arbitration can be justified, that the birthplace of that system is, of all English-speaking countries, precisely the one in which the force of circumstances — location, inherited institutions, and the predominating characteristics of its inhabitants — naturally limits sentiment on the labor question within lines of regulation in the highest degree liberal, but yet essentially restrictive of individual liberty. The same rule is observable in the character of the objections raised in certain quarters, as, for instance, in Great Britain, where much stress is laid upon the composition of the arbitration courts and other purely incidental features of the system.

The organization of the workers in trade-unions is, in reality, not merely a means of securing those material objects in which for the time it may seem to be absorbed, but rather an ethical movement

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coördinate with those other forces of nature and adaptation which make for the advancement of society as a whole. In view of those who best appreciate the spirit of the movement, the trade-union is the germ from which alone a just and rational system of national association can be possibly evolved. As the fittest, and, in fact, the only adequate, means of giving expression to the claims of labor, more especially as the great moral element in the growth of the race, the existence of the trade-union is an indispensable condition to the establishment of a system of government which shall rest, practically as well as theoretically, upon the rights and duties of labor, rather than upon the assumptions of caste and wealth. In this view of the trade-union's function it is of the utmost importance that no step be taken which, even though it may promise temporary advantage to the immediate objects of the workers, would destroy or vitiate a preëxisting right necessary to the attainment of the ultimate ends of organization.

To the average American mind at all conversant with the genius and history of the United States Government, a mere statement of the potentialities inherent in the right of personal liberty may seem a needless insistence upon self-evident fact. Nevertheless, it is in the American trade-union councils that we must seek the broadest understanding and the most practical application of this right. Here we find the right of personal liberty defined as the "right to quit work." That this definition meets all the requirements of the term, that it is really the only definition that expresses the practical essence of the thought, will be seen at a glance. Man's labor power being his only natural means of subsistence, it follows that any interference with the exercise of that power must correspondingly militate against his chances of living. In principle it makes no difference whether such interference consists in the denial or the enforcement of labor, since both are equally an interference with the free operation of a function coëxistent with life itself. The man who is forced to labor against his will is no whit more free, in respect of his capacity for self-government, than he who is forced to accept employment upon any terms as a necessity to mere existence. In both cases the negation of personal liberty is consummated in the loss of freedom in the exercise of that power which is necessary to life, and, consequently, to the purposes of living.

Upon this understanding of the principles involved in the practice of compulsory arbitration, the American Federation of Labor has,

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on different occasions, formally declared against that method as inimical to the purposes of the trade-union and inconsistent with free government. The British Trade-Union Congress, held in September of the past year, and representing nearly a million and a quarter organized workers, declared against compulsory arbitration by a vote of nearly four to one.

Speaking particularly of the American attitude on this question, it is held that any plan which prohibits recourse to the strike, when all other efforts at adjustment fail, must by that fact destroy the power necessary to the efficiency of the trade-union. Organization among the workers, while tending to lessen the number of strikes by preventing or remedying those grievances which inevitably induce strikes, is possible only where the power to strike is held in reserve. Indeed, compulsory arbitration as practised in New Zealand makes the trade-union superfluous for all real good. Under that law, any seven men or women workers, organized and registered in the prescribed manner, can accomplish as much, in the final event, as any greater number. An organization of a thousand workers exercises a proportionate influence upon the conditions of their calling, provided always that they retain the power to enforce their demands by refusing to work until these are granted. The power of united numbers, consisting as it does in the power correspondingly to affect production, becomes nil when the power to cease producing is lost.

Two important conclusions seem clearly established upon these grounds: First, that compulsory arbitration and trade-unionism are irreconcilable, for the reason that, while both are ostensibly designed to accomplish the same purpose, they conflict in method; the former premising upon the power and authority of the State, and the latter upon the power and prerogative of the individual. Secondly, that as concerns personal liberty these institutions stand in opposite bearing, the one as superseding, the other as conserving and enlarging, that principle of government. In the judgment of the American trade-unionists, therefore, there can be no choice between compulsory arbitration, which, by enforcing peace in all circumstances, would undoubtedly suppress progress in certain events; and trade-unionism, which, although perhaps less potent in preventing open strife, is still a great instrument of peace and, at the same time, a safeguard in the untrammeled use of those functions upon which the workers depend for ultimate advancement in social and political, as well as in industrial, affairs.

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It is hardly necessary to say that the opposition of the American and British trade-unions to compulsory arbitration by no means argues a disposition on their part to deny the importance of peaceable methods in the settlement of disputes. Arbitration, in its proper sense, as the mutual submission to a disinterested party, is, perhaps, the most frequently invoked of all the media by which the trade-union seeks to achieve its ends. The evidence of this is to be found in the numerous conciliation and arbitration boards existing in Great Britain and the United States. Practically, the affairs of such industries as mining, engineering, boot and shoe making, iron working, tin-plate making, and glass blowing, in both countries, are now adjusted by the representatives of employer and employé, meeting at stated periods, or whenever occasion requires. While the number of such boards is smaller in the United States than in Great Britain, the tendency in our own country to adopt the plan of formal recognition and agreement is no less general. The initiative thus taken by the private interests involved finds its reflex in the establishment by the State legislatures of public boards of arbitration, and the passage of acts providing for the appointment of arbitrators in special cases. Within the last fifteen years twenty-two States of the Union have adopted such measures.

Looking abroad, we find the same sentiment crystallized in the labor laws of Great Britain, France, Belgium, Switzerland, Germany, and Austria. As between the public and private systems of arbitration, and between the systems of the respective countries, important differences in the composition of the boards and their methods of procedure will, of course, appear. But, as far as classification is possible in a matter so obviously liable to be affected by the conditions prevailing in each locality, it may be said that the private arbitration system of Great Britain and that of the United States differ mainly in that the former stipulates a monetary penalty for violation of the findings, while the latter stipulates for no more than a pledge of honor. As regards the public boards in these countries, both are composed of men from civil life, to the exclusion of judges and other members of the government personnel. The distinguishing feature of the arbitration courts of continental Europe is their analogy to the ordinary courts of law; the civil arbitrators being presided over by a judge, and the cases heard being mainly concerned with questions of law, such as the relations of master and servant, sanitation, employer's liability, etc.

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In neither of these measures is the feature of compulsion stipulated in the matter of those acts of the parties concerning which the general law itself provides no restraint, such as the act of an employer in locking out his employés, or the act of the latter in walking out. Curiously enough, the only instance in which compulsory service is required as a condition of arbitration is contained in the United States law, enacted in 1898, providing for arbitration in disputes between railroad companies and their employés. This measure requires that employés shall not, by reason of dissatisfaction with the award of the arbitrators, leave the service of the road within three months from the date of the decision, without giving thirty days' notice of their intention to quit. This condition is, in the opinion of many men widely experienced in the operation of labor laws, equivalent to the enforcement of involuntary servitude for that term.

In deference to the agitation that took place prior to the passage of this law, and the implacable opposition manifested toward its spirit and intent by the labor organizations of the country, certain modifications were made in the original bill, which, in appearance, preclude the specific enforcement of contracts to labor.[1] Notwithstanding this, it is believed that the measure may be still invoked to frustrate any movement of the railroad men for better conditions, by forcing them to remain at work, if only temporarily, under the old.

In this brief glance at the workings of arbitration, as it is now carried on by the trade-unions, there appears good ground for the assertion that the present need is not of laws to compel resort to that method, but of sentiment that will lead to its voluntary adoption; and there can be little doubt as to which side of the ordinary labor trouble stands most in need of such enlargement of mental and moral capacity.

It is the employer who most frequently takes the position that "there is nothing to arbitrate." The employé, through his organization, has something to arbitrate in every grievance, great or small. To the latter, arbitration is at once law, principle, and nature. He arbitrates wherever possible, because his organization requires it, because he believes in it, and because in actual conflict he must endure

[1] The railroad arbitration bill was originally designed to embrace the seamen of the country. Owing to the opposition of the seamen's representatives in the American Federation of Labor, based upon their experience under the compulsory servitude features of the maritime law, that class of transportation workers was specifically excepted in the bill. The opposition of the Federation was then withdrawn, at the request of the railroad brotherhoods, the sole supporters of the bill in the ranks of labor, and the measure became law.

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physical suffering. He consults with his employer, gives and takes, and, when met in a spirit of fairness, usually secures all that conditions warrant. But, whatever the immediate result, he gains in proportion as his demeanor, intelligence, and fairness compel the respect and confidence of his opponents and the public. The success of these negotiations depends upon an understanding, by both sides, that there is a point at which concession and submission must stop; that, in a word, when either side is so reduced that to concede further would be to sacrifice honor, hope, and manhood itself, the loser in the contest may sever all relations. Arbitration conducted in this manner can accomplish all that can be, or ought to be, expected of any such process.

Briefly, arbitration may fail to maintain peace where either party considers the terms of the other unbearable; but it can never compel peace in the same circumstances without becoming a mere instrument of despotism immeasurably more harmful in the end than the transient evil which it displaces. In arbitration between nations it is freely granted that the right of dissent is always reserved in certain contingencies. Why, then, should it be denied in the scheme of arbitration between the parties to an industrial dispute? In the final analysis the elements that rule in the acceptance or rejection of the arbitrament are honor and necessity. In what essentials, then, do these elements differ in a nation and in the respective classes of individuals that compose it, so as to dictate an opposite course of conduct in each? If in certain circumstances resistance is the only course compatible with the moral and material integrity of a nation, why in similar circumstances should submission be the duty enjoined by the code of the individual?

The assumption that in disputes between labor and capital, if in no other, the rule of peace at any price should prevail is but one of numerous lapses of reason which appear in most of the statements favoring compulsory arbitration. A very common error in these views is the attempt to draw a parallel between the ordinary courts of law and the proposed courts of arbitration. It is declared that the principle upon which disputes involving individual interests only are referred to judge and jury applies with proportionately greater force to disputes which affect a large body of the public, as in the case of a strike. Yet there can be no doubt that these supposed cases rest upon radically different bases; the former being concerned with proprietary rights in some form of material things, and the

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latter with the ownership of men's bodies, in which there can be no property rights, in any sense. Neither can there be any doubt that an award, the terms of which shall forbid men to quit work within a specified period, as contemplated by compulsory arbitration, would be tantamount to a grant of property rights in the persons of such men. Again, it is asserted that, inasmuch as the public is inconvenienced by the suspension of industry, it is thereby justified in interfering to prohibit such suspension, or to force the renewal of work where a tie-up has taken place.

Leaving aside the obvious objection that specific personal rights cannot become subject to restraint because exercised by a number of persons, whether acting as a combination or otherwise, it is clear that such interference by the public would be to assume authority while evading that responsibility which should precede any claim to directing influence. Logically, the suggestion of public interference to regulate wages can only be supported upon the promise of public responsibility for the revenues with which to pay them — in other words, upon the premise of public ownership. As limited by the advocates of compulsory arbitration, the claim of public rights is undeniably a proposal to submit the issue to an interested party, and one, moreover, who in all the probabilities would be helpless to serve the public's cause, except by a decision against the workers. The necessary association of public ownership with any plan of public interference is recognized in the railroad arbitration law of Kansas, which provides that in the event of an award to increase wages being violated by a railroad company, the road shall be taken over by the State and operated under the usual rules of receivership.

It is apparent that the confidence expressed by many writers on this subject is inspired by a preconceived notion that the boards of arbitration, although constituted in much the same way as the ordinary courts, and invested with similar powers, will differ from them in spirit; that, in fact, their decisions will, of necessity, favor the workers, as a rule. Whatever foundation may exist for this belief in the presumption that justice is most frequently on the side of the workers, there is little ground for it in the known facts of court procedure. In this connection, much stress has been laid upon the results of the New Zealand law; most of the findings rendered under that law having been favorable to labor.

But, without being hypercritical, it may also be noted that the principles laid down in at least one or two of the decisions given

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against the trade-unions seem destined to have a far-reaching effect which will more than offset the temporary advantages gained in other instances. At any rate, it is important to remember that the New Zealand system has been in vogue but five years, during all of which period the tendency of labor conditions has been upward; that, in short, the model so confidently and persistently urged upon the American public has been tried, and that but briefly, in only one of the periods that constantly recur in all industrial and commercial life. Until the New Zealand law has been tried in one of those periods of depression which, in other countries, have frequently exhausted the united efforts of the workers themselves to form an effectual barrier to the reduction of wages below the point of rational subsistence, it must remain, as its authors confess it to be, an experiment, precarious or promising, according as it is approached in reason or enthusiasm.

What, then, it may be asked, is the trade-union's remedy for the strike? Candidly, the trade-union offers none. In the scheme of labor organization there is no arbitrary process for the prevention of labor troubles, for the sufficient reason that there are no means of compelling men of different interests and opposite points of view to agree upon a common ground of settlement. The trade-union has no hope for the beatification of the industrial forces. It may serve to clarify the subject, if we assume that the right to strike is in itself a necessity to the practical freedom, political as well as economic, of the workers; that the exercise of that right will be necessary at times as long as the desire of one class runs counter to the disposition of the other; and, consequently, that to destroy that right would be to lay the axe at the very roots of progress.

It should be borne in mind that the strike is primarily an effect, not a cause, of the hardships associated with the industrial strife — a means in, not an end of, the movement for the redress of these ills. So long as the causes of the strike reside in the nature of the conditions under which industry is carried on, and, indeed, in the nature of man himself, it is to be feared that any attempt arbitrarily to suppress that phenomenon would but aggravate the complaint and induce a train of evils much more acute.

In the opposition of the American trade-unions to compulsory arbitration there is nothing of the spirit of stagnation; nothing of fear to take new hold on old problems. Conservatism there is; but it is conservatism in those principles, fundamental and unvarying,

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which, having all the force of natural law, cannot be ignored without incurring the rightful penalty of contumacy. It is retrogression, not progress, that the trade-unions fear. It is retrogression, not progress, that is implied by compulsory arbitration. The adoption of that plan would turn back the spirit of labor legislation to the era of the Statute of Laborers and the Quarter Sessions, the history of which, beginning in the fourteenth century, and continuing until the first part of the nineteenth century, presents a continuous record of failure in the effort to fix wages by law.

The failure of compulsion in the relations of employer and employé is inevitable as long as men are actuated by the spirit of individual liberty, which finds its first and last expression in the power to move freely from place to place, to work at will, to quit at will, and to remain quit. It is this spirit, however dimly discernible, that has animated the movements of the workers since Spartacus led his slave legions against the Roman prætors; since Tyler and Cade led their men of Kent against the kings of England. It is this spirit that to-day animates the trade-unionists of America in resisting the specious devices of the dilettante, which would deprive them of the greatest blessing inherited from the past, and set them on the certain road to villeinage.

If the trade-unions have no empirical remedy for the strike, they offer in themselves the best possible corrective of it. The actual strikes participated in by these organizations may be, of course, readily computed; but the number of potential strikes prevented by the same means is beyond estimate. That the trade-unions tend to prevent open rupture of the peace between employer and employé is a necessary inference in the circumstances. Even if the facts in this connection were less apparent than they are, there exists in the fact of organization itself an influence for peace that is obvious to common reason. The trade-union combines with the power of resisting injustice the responsibility for committing it. And, as a rule, it is more likely to err in forbearance of wrong done to its own members than in resentment against the wrongdoer.

It is sometimes contended that the trade-union develops a spirit of unreasonableness with the growth of its numbers. The opposite of this is true. In its acts, the trade-union reflects, more clearly, perhaps, than any other form of voluntary association, those traits in the morality of individual man which are essentially natural to him, as distinguished from those which are superimposed upon him

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by environment. Among these the most conspicuous is the sentiment of justice, or fair play. However warped or stultified that sentiment may be, however degraded in the service of a cause in itself unjust, however varying its rules, there still remains, as between man and man, a distinct recognition of certain obligations in the conduct of all transactions the infraction of which involves certain outlawry. Under the American rules of fair play, it is required that the strong shall give to, rather than take from, the weak. In obedience to this rule, we invariably find the trade-unions giving the advantage to their opponents wherever there is any danger that injustice may result from a strict enforcement of their own powers.

In the growth of organization among the workers, and in the development of a spirit of amity, rather than of enmity, in the organizations of the employers, lie the only reasonable hope that the strike may ultimately be abolished, except in so far as it may be a necessity in particular circumstances. To this end, public opinion and legislation may lend valuable assistance, provided they are directed with the view of encouraging those factors necessary to the attainment of the object sought. Any movement that tends to hinder or destroy the development of these factors can only retard the final settlement.

After all, there is something gained in the experience that teaches the futility of any proposed step. Next to knowing what to do, it is important to know what not to do. This common observation applies with particular force to everything savoring of the cure-all in industrial affairs. The literature of sociology and the statute-books of the country are crowded with suggestions and plans for the redress of this and that defect in existing conditions. Under the pressure of these allurements, even the trade-unions, in some cases, have surrendered their judgment to their desires. And yet many of the most important of these measures, when put in operation, have been proved not only valueless, but positively harmful. Such, at least, has been the experience of the workers under inter-State commerce and anti-trust laws, designed, in part, to benefit labor by restraining the aggressiveness of large employers.

Some readers may say that in compulsory arbitration there can be no real danger of involuntary servitude, in the face of the Constitutional inhibition. But it should be remembered that the Constitution is largely a matter of construction; that it has always been

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construed in the light of precedent facts, never in anticipation of future conditions. As an instance of this, it may be of interest to note the construction placed upon the Thirteenth Amendment by the United States Supreme Court only three years ago. In the "Arago" case,[1] it was claimed by the appellants that the then existing statute of the maritime law, under which seamen might be held to service until the expiration of their contract, was in contravention of the Thirteenth Amendment. The majority decision of the court held otherwise, and declared that the Thirteenth Amendment was not intended to introduce any novel doctrine of law, but was limited in its application to the negro, the Chinese coolie, and the Mexican peon. The significance of this ruling was very clearly set forth in the dissenting opinion of Mr. Justice Harlan, who took the ground that under the majority decision the States could legislate to enforce involuntary servitude upon any class of citizens. Thus, it appears that the only real inhibition of involuntary servitude consists in the public opinion against that institution.

That public opinion must be alert to the danger of sanctioning, if only by silence, any measure which would in the slightest degree affect the right of personal liberty must be apparent to any one who notes the tendency of the legislatures to enact loose laws, and of the judiciary to enlarge its powers beyond all safe and reasonable bounds. In the present formative period of our national existence, when national principles and ideals are being tested in the heat of new conditions, it is encouraging to know that in the trade-union movement there is at least one element of public opinion that may be depended upon to remain faithful to the basic principle of all true progress. *Personal liberty must be preserved!*

W. MACARTHUR.

[1] "Robert Robertson et als. vs. Barry Baldwin (165 U. S. Reporter)."

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THE DARK IN LITERATURE.

Those who are sensitive to literature at all turn to it for various reasons; for rest, pleasure, comfort, instruction, uplift. To forget its power to make this manifold appeal were sadly to restrict its influence. Literature follows the gospel injunction: it is many things to many men. This, indeed, is only a roundabout way of saying that it is a great force in the world; for how otherwise could it get a wide hearing?

Nevertheless, I am persuaded that the larger number of readers still look, as they have always looked, to poem and essay, play and story — to belles lettres, in short — for what may be called pleasure. Of old, this was overwhelmingly true; it is somewhat less apparent now, when both author and reader have come to take their literature seriously, and duty at times crowds delight to the wall. However, the wayfaring man continues to insist, in good set terms, on an agreeable time when he opens a book; and if you are fain to instruct him you must do it cautiously without overmuch announcement of your laudable purpose. Unless the pill be sugar-coated he will have none of it; homœopathy is the school he favors.

Critics who overlook this natural human tendency are letting themselves get professional and out of touch with their fellow mortals. I believe that, while our conception of the use of literature may well be a broader one, this pathetic desire of average humanity to be pleased is a wholesome notification to critic and creator, to special student and him of the inner circle, that the main business of letters is to furnish joy to the children of men. Especially is this thought pertinent to-day, when the other obligations of literature are underscored.

It is as well to remember that unhappiness is not an end in itself. The assumption, by the way, that a book must either please or instruct, as if the two demands were mutually exclusive, is absurd — an example of false logic. Rather may it be said, as Stevenson has it, that "to please is to serve; and so far from its being difficult to

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instruct while you amuse, it is difficult to do the one thoroughly without the other."

But no honest person can go far in the fruitful study of the masterpieces of thought and expression without coming face to face with the need of extending this pleasure-giving concept of literature, or, at any rate, of using the word pleasure in a fuller significance. He finds that it is very much with literature as it is with the weather. All sorts are encountered, the stormy with the bland; and even in the presumably serene climate of the so-called immortals, halcyon days by no means run the year round. He is confronted, sooner or later, with the questions: How broad may I make my definition of this elusive term *pleasure?* What is the proper proportion of light and shade in these pictures of life painted with words instead of colors? Has the dark — meaning thereby the sombre and sad, the terrible, brutal, and abnormal elements of life reflected in books — any justification, and where are the bounds to be set? Upon the answers depend the whole attitude toward literature and the amount of substantive enrichment received from it. I know of no more important moment in personal literary culture than this; and it was with a sense of this importance that my theme was chosen.

Few even of those who are unfriendly to the dark in literature, will deny that the sad has some right there, or that pleasure may co-exist with sadness. To shut out the imaginative presentation of the tragic would result in a woful weakening and crippling of literature — would, indeed, decapitate masterpiece after masterpiece. From the time that Aristotle pointed out the noble function of tragedy in purging our souls through terror and pity, the major creators in literature have steadily illustrated his position. And, in truth, long before the great Greek critic, the Hebrew rhapsodists shook their time, and after-time, with the very thunders of Sinai. It might also be said that the precious places, the mighty effects, in world-literature, are just those where the grave things of life are set before us surcharged with passion, but touched with beauty, set to consoling music, and illumined by imperishable hopes. Job, superbly alone and afflicted on his ash-heap; Antigone, going smiling to her tomb; Chaucer's Griselda, patient and amazed at her ill treatment, and exclaiming, as the thought of her husband's earlier love for her overwhelmed her mind:

> "Oh, God, how kind and good was his visage
> The day that makèd was our marriage!"

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Lear appealing to the stormy heavens, since they were old like him; Dante listening to Francesca's piteous tale of love, strong though in hell; Gretchen in the Garden, conscious of her guilt, yet crying with that infinitely pathetic child-cry:

> "Yet, everything that led me here
> Was oh, so good, was oh, so dear;"

Beatrice Cenci, talking of her hair just before she goes out to the block; Mildred, in Browning's "A Blot in the 'Scutcheon," with those wonderful girlish words of hers:

> "I — I was so young!
> Beside, I loved him, Thorold — and I had
> No mother; God forgot me: so I fell" —

these, I say, are the scenes that to the lover of literature rise up in memory like southern stars in the night heavens, stars whose sombre setting is the very condition of the splendor of their shining. Give us this kind of sadness, by all means, for by it our souls grow and we are made to feel the sacred majesty of humankind. It is not so much sadness, strictly speaking, that we experience in looking at these moving life dramas, as a sort of sober joy. Our sense of *homo sapiens* is enlarged as to his essential dignity and worth. This is sadness, not for its own sake, but for humanity's.

Nor should we forget that, besides this proper acceptance of what I may term the legitimate and wholesome sad in literature, many folk have a morbid love of sadness for its own sake. There is no hypochondriac like your young person in the storm and stress period of his or her career. Fears are his food and tears his daily portion. In youth we like to take our pleasures sadly; while in the years that bring the philosophic mind we try to take our pains with a smiling mouth. A type of spinster exists which affects funerals as the chief of worldly joys. This pleasure in the lugubrious is certainly a trait to be found at least sporadically in the world. Perhaps it existed in the past more frequently than it does now — I hope so. Judge Sewall has this entry in his diary: "Spent the morning in the vault rearranging the family coffins. It was a pleasant but awful treat." This zest for the melancholy is quite another thing, of course, from the response to that beautiful, close harmony, which, though it sound like a discord, is yet so suggestive of the perfect harmony (the ideal) as to make us tremble with delight. I only wish to make the point that there is in human nature some response to a

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less admirable phase of the dark in life and literature — a kind of ghoulish joy in the grave. The mock-romantic cult in fiction, in the time of Horace Walpole and Mrs. Radcliffe, gives another example. Recall that delicious bit of dialogue in Jane Austen's "Northanger Abbey," where she satirizes the tendency:

"'But, my dearest Catherine, what have you been doing with yourself all this morning? Have you gone on with Udolpho?'

"'Yes, I have been reading it ever since I woke; and I am got to the black veil.'

"'Are you, indeed? How delightful! Oh! I would not tell you what is behind the black veil for the world! Are you not wild to know?'

"'Oh! yes, quite; what can it be? But do not tell me: I would not be told upon any account. I know it must be a skeleton; I am sure it is Laurentina's skeleton. Oh! I am delighted with the book! I should like to spend my whole life in reading it, I assure you; if it had not been to meet you, I would not have come away from it for all the world.'

"'Dear creature! how much I am obliged to you; and when you have finished Udolpho, we will read the Italian together; and I have made out a list of ten or twelve more of the same kind for you.'

"'Have you, indeed! How glad I am! What are they all?'

"'I will read you their names directly; here they are in my pocketbook: "Castle of Wolfenbach," "Clermont," "Mysterious Warnings," "Necromancer of the Black Forest," "Midnight Bell," "Orphan of the Rhine," and "Horrid Mysteries." Those will last us some time.'

"'Yes; pretty well; but are they all horrid? Are you sure they are all horrid?'

"'Yes, quite sure; for a particular friend of mine, a Miss Andrews, a sweet girl, one of the sweetest creatures in the world, has read every one of them.'"

Some rather cynical theories of human nature go even further than this. A distinguished French dramatic critic of our day, in a recent work on the ancient and modern drama, takes the position that our interest in tragedy is at bottom simply the survival of the old savage instinct of cruelty — the enjoyment of suffering. He builds up a whole superstructure of theory upon this foundation. I believe myself that he does great wrong to human psychology in this ingenious assumption, which, however, is interesting as offering one explanation of certain familiar tendencies in modern literature. But one hardly needs to say that all this morbid affecting of the sad is clearly to be distinguished from its proper use in books.

But not the pathetic alone, the awful too is common in literature — elements that not so much move us to tenderness as freeze us with fear or humble us with a feeling of our own littleness in the face of the Sublime. This influence again, when not out of proportion, can be easily accepted; in fact, the term *pleasure* may be possibly so enlarged in its meaning as to include this idea. Irving, in his "Conquest of Granada," speaks of the "pleasing terror" begotten in him by the sight of a shaggy Andalusian bull encountered among the mountains of his native wilds. The expression puts before us, epi-

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grammatically, a psychological truth. There is a stern, lofty grandeur in the works of creative genius which constitutes their headmark of merit. Literature would be poor, indeed, without its Michael Angelos and its Beethovens, its Wagners and its Vereschagins. These works may not soften, but they strengthen our sinews for the fight. And as we go on in life we gradually come to care more for and to get more from, these austere, great performances. A young man or woman at twenty-one might be inclined to refuse to the terrible a place in literature; the same person at forty might be deriving from that source the most precious part of his or her experience.

Man's attitude toward the awe-inspiring has rapidly changed during the last one hundred and fifty years. English literature registers this fact. Up to the middle of the eighteenth century Alpine scenery was viewed in its horrific, repellent aspects; and when, a few years later, the poet Gray described it as fit stimulus for æsthetic appreciation, he struck a new and, as it then seemed, a bizarre note. Yet, less than a hundred years thereafter, we find Ruskin at his finest of music and majesty in hymning the glories of those Swiss mountains. Awe has widened the hitherto arbitrarily narrow notion of beauty, and the Plutonian forces of Nature are made to minister to spiritual ends. Fear — like unto that fear of the Lord which is the beginning of wisdom — is as beneficent as joy herself.

But literature, and modern literature in special, makes room for other aspects of life besides the appealingly pathetic and the awe-inspiring. The ugly, and the brutal, and the foul are there in crowded cohorts and sickening display. The night side of Nature and the devil side of human nature, these are portrayed at full length. In the literature of the past twenty-five years fiction has a bad preëminence in this respect, though it may be said that the drama has not been very far behind. One's attitude toward the unlovely is naturally of much consequence to oneself and one's fellow men. Has the handling of the degenerate and abnormal — manifestations of which are indubitably to be found in this third planet from the sun — any justification? Is Zola's Nana or Daudet's Sapho a type instructive enough to make her acquaintance worth while? Is Hardy's Jude the obscure, not to say obscene, a man who can teach us by his wretched failures some life-lesson of value? At a time when some of the very greatest writers alive find a natural expression of their power in such scenes and characters as are suggested by these names, it is imperative for the world of thoughtful, educated readers to take

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a stand and have an intelligent opinion upon this burning question; condemning with a sweet reasonableness or approving with a like show of sense. We cannot dodge the duty, for the last decade has intensified the danger and made the problem more intricate.

Now, let me say with candor that I think even here we must not be too sweeping, and cry: "Let the ugly be anathema; it is an evil blot on the fair fame of literature." This sort of remark is always popular with the gallery, but it is a careless generalization. Beyond peradventure the ugly — I mean the morally as well as materially ugly — has a use in literature. There are two ways of presenting ethical ideals, of making a spiritual impression: one by showing types of virtue, the other by showing types of vice. In the former, we are made to love the good by direct example; in the latter, to hate the bad, and hence to desire the good. The methods are respectively positive and negative; the aim is the same, or may be.

I recall no great English writer who better illustrates the union of these two methods than Robert Browning. Nobody in his senses disputes the splendid ethical sanity of this robust seer-singer. Yet in poem after poem he paints the ravages of sin in the persons of men and women who possess a kind of shuddering fascination for the sensitive admirer of Browning — "Subtlest assertor of the Soul in Song." Think of the "Soliloquy of the Spanish Cloister," with its hideous old monk, his heart full of envy and hate; of such other churchly figures as the Bishop who orders his tomb; of Porphyria's lover, strangling his sweetheart with her golden hair; of that other woman with golden hair, the maiden of Pornic, with her horrible greed for money even in the grave; of many another light creature with the skin-deep beauty that lures men on to hell; of the frank fleshliness of the loves of Ottima and Sebald in "Pippa Passes"; of the loathsome landscape Childe Roland was forced to look upon; of the searching cynicism of a brief lyric like "Adam, Lilith and Eve"; and of the frank approval of active sin, rather than the half-hearted willing of sin, in "The Statue and Bust."

Think of these and plenty of other Browning poems, and realize that this man insisted on the dramatic representation of all that is human, whether for good or ill. And yet, who does more to brace us for the spiritual battle-field? No, the test must go deeper than the matter of material or theme; it is the character of the literary creator — his aim and ideal — that settles the thing. Given the right kind of worker behind the work, and no subject, no matter

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how repulsive, is inadmissible to art — at least in the moral view. Æsthetic considerations there may be which put up the bars against this or that; but the moral result lies in the intention.

When, as not seldom happens, a namby-pamby conventionality sets up to be sole arbiter of such questions, it must be promptly rebuked. I have had this truth impressed upon me in reading of late the newest product of two living writers of international standing: Tolstoy's novel, "Resurrection," and Ibsen's play, "When We Dead Awaken." In the Russian story the protagonists are a harlot on trial for murder and her aristocratic betrayer. One is asked to spend a large part of the time in the government prisons amidst the offscouring of the earth. The realism is insistent, suppressing nothing, telling everything. In this respect the book is most inartistic; it neglects selection, a cardinal virtue in all art.

I may add, in passing, that Tolstoy's technique has always lacked in this respect; his fellow-countryman, Turgueneff, was his superior here. But "Resurrection," in spite of all this, seizes upon me — what can we do but make confession of our personal experiences in such a case? — as one of the noblest and most beautiful works ever put forth; hardly a masterpiece, because of its defects, but a deeply moving presentment of man's tragi-comedy of the years; a wonderful study of a soul that returns to the good; that "comes to itself," in the matchless words of the Bible; and a potent and eloquent plea for fair dealing between men and women and for loving kindness even to criminals. Tolstoy is a man with the daring *naïveté* to try to imitate Christ in his daily life; and both his life and work exhale an aroma of righteousness. All his malodorous realism cannot taint those airs that blow from God. His purpose shines through it like a light through a sunless cavern.

In Ibsen's drama — a strange, maddeningly mystic deliverance it is, like most of his work for the ten years past — the conventions are played fast and loose with, as usual, and to some the piece will do little but preach the setting aside of marriage vows in the case of elective affinities. Indeed, one might almost say of this play that it is Goethe come again, with an austere mountain setting and a stern suppression of sentimental gush. And yet, as I sat rather dazed for some ten minutes after closing the volume, and let the message have its way with me — one of those fractions of time which really count in one's intellectual life — I felt that there was at least one lesson there for one reader. The sculptor who used his beautiful

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model as a model and never loved her as a woman, though she had given him her soul, had never truly lived. They had both made loveless marriages since; but when they come together again after long years they are as the dead, and only awaken when they realize what has been lost. In brief, it is an idealist's statement of love, a mystic sublimation thereof. The play is scarcely healthy, but it possesses a tremendous suggestion touching the world's master-passion.

Caution, then, is the watch-word in judging a great man's handling of the seamy side of life in literature. This applies to many a so-called purpose novel and problem play of our time, in which a daring theme is boldly set forth and a degree of frankness is reached disagreeable to those who would have their literary path "roses, roses all the way." Such swinging of the axe may clear the social trail for a more enlightened civilization. Fiction like "The Manxman," drama like "The Second Mrs. Tanqueray," has a place, I dare avouch, within the broad demesne of art. There is danger of becoming lax of fibre and limited in thought-range when they are forbidden. In the broadest sense, the pleasure got from literature is in an exhibition of life — an inclusive definition of literature being that it is a representation of life in terms of power and beauty. "Memory," says Balzac in a letter to Madame Hanska, "only registers thoroughly that which is pain. In this sense it recalls great joy, for pleasure comes very near to being pain" — a remark in which the modern psychologist will heartily agree with the French master. The languid, lackadaisical appreciation of the sweetly pretty in art is, therefore, a pitiable impoverishment of the possibilities of literature. Much of the so-called realistic writing of to-day — not all of it — can be welcomed as having a genuine mission for men, if only we will extend our conception of its function.

The dark we have plead may be a foil to the light, which seems to be God's own use of it; it may spur us on to better things by a graphic picture of things less excellent. Even if it leave us hopelessly sad — as in the quiet, sardonic pessimism of a fatalist like Hardy, or in a soured reformer like Ibsen, wrapping himself round in the protective robes of a baffling mysticism — it may still be of service in enlarging the sense of life's ultimate meaning. It can make us weep tears that have a sweet issue in altruistic endeavor, or awe us so that never again we break into the "laugh mistimed in tragic presences."

In the last analysis, perhaps, the only insufferable use of the

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dark is that which fouls, poisons, panders to the base, and often this is not sombre at all, but rather speciously glittering and seductive: the gaiety of the "Contes Drolatique," the alluring voluptuousness of "Mademoiselle de Maupin." In current literature we have, God knows, enough of this and to spare. But let us not be hasty to condemn that which in its earnest under purpose and grim largeness belongs to quite another category. As in life, so in literature, aim and ideal are everything. If they be sane and high, it follows, as the night the day, that the author "cannot then be false to any man."

I would thus defend a generous use of the dark in literature. We must be athletic enough to enjoy it, and thoughtful enough to learn its lessons, no more flinching them than we do the lessons of life itself. For literature is not merely an escape from life, though in some of its idyllic moments it may do us minor service of this kind. It is also a criticism of life, in Arnold's phrase, or better, an interpretation of our days and deeds, so that symbol explains fact, and we see not through a glass darkly, but, for the nonce, face to face. And, with a proper placing of the shadows in the background, how lovely is the sunlight, the bird-song, the breath of the cheerful open!

Moral health demands both sides. Burroughs gives good advice when he tells the dyspeptic-inclined to get a taste of something bitter in the woods. A stalwart idealism — which is the only sort wanted — must recognize the divine in and through the dark; else is our light not light, but darkness visible. He who with Merlin follows the gleam shall not win to the Delectable Mountain, save by many a Via Dolorosa, crowded thick with sorry men and women, through the Bad Lands of doubt, agony, sin, and seeming death. It is the price paid for coming at the heights; neither life nor literature can yield their rich rewards by any other bargain.

Richard Burton.

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